



Issuance Date: \_\_?\_  
Effective Date: \_\_?\_  
Expiration Date: \_\_?\_

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT WA0052272**

**State of Washington  
DEPARTMENT OF ECOLOGY**

Central Regional Office  
1250 West Alder Street  
Union Gap WA 98903

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

**Milne Fruit Products Inc.  
804 Bennett Ave  
Prosser, Washington 99350**

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

Facility Location:	804 Bennet Ave, Prosser, WA 99350	Sic Code:	2037 – Frozen Fruits, Fruit Juice, and Vegetables
Industry Type:	Fruit Processor	NAICS Code:	311411 – Frozen Fruit, Juice, and Vegetable
Treatment Type:	Solids Removal Clarification pH Adjustment		Manufacturing
Receiving Water:	Yakima River; River Mile 47		

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Damon G. Roberts  
Water Quality Section Manager  
Central Regional Office  
Washington State Department of Ecology

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT  
 WA0052272

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## SUMMARY OF PERMIT SUBMITTALS

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

**Table 1 – Summary of Permit Submittals**

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report (DMR)	Monthly	DATE TO BE ADDED
S3.F	Reporting Permit Violations	As necessary	
S4.A	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	DATE TO BE ADDED
S4.B	Reporting Bypasses	As necessary	
S5.C	Solid Waste Control Plan	1/permit cycle	DATE TO BE ADDED
S5.C	Modification to Solid Waste Plan	As necessary	
S6	Application for Permit Renewal	1/permit cycle	DATE TO BE ADDED
S7	Spill Control Plan	1/permit cycle	DATE TO BE ADDED
S7.A.2	Spill Control Plan Update	Updates submitted as necessary	
S8	Slug Discharge Control Plan	1/permit cycle	DATE TO BE ADDED
S8.A.6	Slug Discharge Control Plan Update	Updates submitted as necessary	
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	

## 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 cooling water to the Yakima River at the permitted location subject to complying with the following limits:

**Table 2 – Effluent Limits: Outfall 001 to the Yakima River**

Latitude: 46.202200 Longitude: -119.778000

Parameter	Maximum Daily <sup>a</sup>
Flow	29,000 gallons per day maximum
Temperature	17.5 °C
pH, Standard Units	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0 <sup>b</sup>
a	Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. The average daily measurement does not apply to pH or temperature.
b	Report the instantaneous maximum and minimum pH daily. Do not average pH values.

#### S1.B. Mixing Zone Authorization

Mixing Zone for Outfall 001

The following paragraphs define the maximum boundaries of the mixing zones:

##### Chronic Mixing Zone

The width of the chronic mixing zone is limited to a distance of 82 feet. The length of the chronic mixing zone extends 100 feet upstream and 300 feet downstream of the outfall. The mixing zone extends from the bottom to the top of the water column. The mixing zone must not utilize greater than 25% of the flow. The concentration of pollutants at the edge of the chronic zone must meet chronic aquatic life criteria and human health criteria.

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### Acute Mixing Zone

The width of the acute mixing zone is limited to a distance of 8.2 feet. The length of the acute mixing zone extends 10 feet upstream and 30 feet downstream of the outfall. The mixing zone extends from the bottom of the top of the water column. The acute mixing zone must not utilize greater than 2.5% of the flow. The concentration of pollutants at the edge of the acute zone must meet acute aquatic life criteria.

**Table 3 – Dilution Factors**

Criteria	Dilution Factor
Acute Aquatic Life Criteria	1461.2
Chronic Aquatic Life Criteria	8490.7

#### S1.C. Municipal Sewer System Discharges

A discharge of a pollutant in excess of local limits set by the City of Prosser to Outfall 002 violates the terms and conditions of this permit.

The discharge from this facility is subject to allocations established by a contract negotiated between the facility and the City of Prosser. The effluent allocations in the contract constitute the enforceable limits of this permit. Those limits, as specified in Schedule A of the contract, must be incorporated into the Operations and Maintenance (O&M) Manual as Appendix A. This permit anticipates that the facility and the City of Prosser may renegotiate the user contract during the course of this permit.

Upon establishment of a new industrial user contract, the facility shall submit the contract within 10 working days to Ecology for approval. Upon approval, the contract will be incorporated into the O&M Manual as an amendment to Appendix A and the limitations established in the new contract will become the enforceable limits of this permit.

A copy of the current (Schedule A) is located in the Appendix B of this permit.

During the period beginning on the effective date of this permit, the Permittee is authorized to discharge process wastewater to the City of Prosser at Outfall 002 and complying with the Industrial User Contract located in Appendix B of this permit.

#### Effluent Limits: Outfall 002

Latitude: 46.204362, Longitude: -119.777101

Limits: See Appendix B for City of Prosser's Industrial User Contract with the permittee

### S2. Monitoring Requirements

#### S2.A. Monitoring Schedule

The Permittee must monitor in accordance with the following schedule and the requirements specified in Appendix A.

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**Table 4 – Wastewater Effluent – Outfall 001 Cooling Wastewater (samples must be obtained at the first flush stormwater well)**

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Flow	Gallons per day	Continuous <sup>a</sup>	Totalizing flow meter
Daily Maximum Temperature	Degrees	Continuous	Thermistor or other continuous recording device
Total Ammonia	mg/L	Monthly <sup>b</sup>	Grab <sup>c</sup>
Chemical Oxygen Demand	mg/L	Monthly	Grab
pH <sup>d</sup>	Standard Units	Continuous	Meter
a	Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for associated data logger must be no greater than 30 minutes. Describe Frequency when continuous monitoring is not possible.		
b	Monthly means once every calendar month during alternate weeks.		
c	Grab means an individual sample collected over a fifteen (15) minute, or less, period.		
d	Report the instantaneous maximum and minimum pH monthly. Do not average pH values.		

**Table 5 – Wastewater Effluent – Outfall 002 Process Wastewater to City of Prosser POTW (samples, except for pH, must be obtained at the City lift station No. 2 wet well)**

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Flow	mgd	Daily	Totalizing flow meter
Biological Oxygen Demand 5-day (BOD <sub>5</sub> )	mg/L	Weekly	24-hour composite <sup>a</sup>
BOD <sub>5</sub>	lbs/day	Weekly	Calculation
Total Suspended Solids (TSS)	mg/L	Weekly	24-hour composite
TSS	lbs/day	Weekly	Calculation
Total Ammonia	mg/L	Monthly	24-hour composite
Total Ammonia	lbs/day	Monthly	Calculation
pH <sup>b</sup>	Standard Units	Continuous <sup>c</sup>	Meter
a	Twenty-four (24) hour composite means a series of individual samples collected over a 24-hr period into a single container, and analyzed as one sample.		
b	Report the instantaneous maximum and minimum pH monthly. Do not average pH values.		

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
c	Continuous mean uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 30 minutes. Describe Frequency when continuous monitoring is not possible.		

## 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 [or as applicable in 40 CFR subchapter N (Parts 400-471) or 40 CFR Subchapter O (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. Flow Measurement, Field Measurement, and Continuous Monitoring Devices

The Permittee must:

1. Select and use appropriate flow measurement, field measurement, and continuous monitoring devices and methods consistent with accepted scientific practices.
2. Install, calibrate, and maintain the devices to ensure the accuracy of the measurements is consistent with the accepted industry standard, the manufacturer's recommendation, and approved Operation and Maintenance (O&M) Manual procedures for the device and the waste stream.
3. Calibrate continuous monitoring instruments weekly unless it can demonstrate a longer period is sufficient based on monitoring reports. The Permittee:
  - a. May calibrate apparatus for continuous monitoring of Dissolved Oxygen by air calibration.
  - b. Must calibrate continuous pH measurement instruments according to the manufacturer's requirements.
  - c. Must calibrate continuous Chlorine measurement instruments using a grab sample analyzed in the laboratory within 15 minutes of sampling.
4. Calibrate micro-recording Temperature devices, known as thermistors, using protocols from *Standard Operating Procedure EAP080, Version 2.2 Continuous*



*Temperature Monitoring of Fresh Rivers and Streams (Ecology, 2022)*. Calibration as specified in this document is not required if the Permittee uses recording devices certified by the manufacturer.

5. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.
6. Establish a calibration frequency for each device or instrument in the O&M Manual that conforms to the frequency recommended by the manufacturer.
7. Calibrate flow monitoring devices at a minimum frequency of at least one calibration per year.
8. Maintain calibration records for at least three years.

#### S2.D. 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), 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.

#### S2.E. Request for Reduction in Monitoring

The Permittee may request a reduction of the sampling frequency after 12 months of monitoring. Ecology will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request,
2. Clearly state the parameters for which it is requesting reduced monitoring, and
3. Clearly state the justification for the reduction.

### 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](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance)<sup>1</sup> Include data for each of the parameters tabulated in Special Conditions 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.

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 15th day of the following month.
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. 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.
9. 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 (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.
10. Report single-sample grouped parameters (for example: priority pollutants, PAHs, pulp and paper chlorophenolics, TTOs) on the WQWebDMR form and include:

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<sup>1</sup><https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

sample date, concentration detection, DL (as necessary), and laboratory QL (as necessary).

**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

Central Regional Office  
1250 West Alder Street  
Union Gap, WA 98903

**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. Immediate Reporting

The Permittee must **immediately** report to Ecology and the Department of Health, Drinking Water Program (at the numbers listed below), for all:

- Failures of disinfection system
- Collection system overflows discharging to a water body used as a source of drinking water.
- Plant bypasses discharging to a water body used as a source of drinking water.

Central Regional Office	509-575-2490
Department of Health	800-521-0323 (business hours)
Drinking Water Program	877-481-4901 (after business hours)
Benton Franklin Health	509-543-3851 (after hours)

**b. 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 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, S1.B, and S1.C 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.

c. 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.

Submit the written report electronically using the Water Quality Permitting Portal – Permit Submittals application. Additionally, the Permittee must also provide written notification to their permit manager.

d. Waiver of Written Reports

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

e. 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) 90.56.280 and WAC 173-303-145. Visit the website [How to Report a Spill<sup>2</sup>](#) 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.

## 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. Update the O&M Manual to meet the requirements of WAC 173-240-150 and submit it to Ecology for approval by **Insert Date**.
- b. Review the O&M Manual at least annually and confirm this review by letter to Ecology by **Insert Date** of each year.
- c. Submit to Ecology for review and approval substantial changes or updates to the O&M Manual.
- d. Keep the approved O&M Manual at the permitted facility.
- e. Follow the instructions and procedures of this manual.

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<sup>2</sup><https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

2. O&M Manual Components

In addition to the requirements of WAC 173-240-150, the O&M Manual must be consistent with the guidance in Table G1-3 in the *Criteria for Sewage Works Design* (Orange Book) (Ecology, 2023). The O&M Manual must include:

- 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.
- 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.
- h. Operational details of the “first flush” stormwater/cooling water discharge system.
- i. Appendix A – Industrial user Contact with the City of Prosser
- j. Appendix B – a copy of the Solid Waste Control Plan
- k. Appendix C – a copy of the Spill and Slug Control Plan

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-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:

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- 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
  - 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 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 water.

### S5.C. Solid Waste Control Plan

The Permittee must submit all proposed revisions or modifications to the Solid Waste – Control Plan to Ecology for review and approval at least 30 days prior to implementation. The Permittee must comply with the approved Solid Waste Control Plan and any modifications once approved. The Permittee must submit an update of the Solid Waste Control Plan by Insert Date (application for permit renewal).

#### S6. Application for Permit Renewal or Modification for Facility Changes

The Permittee must submit an application for renewal of this permit by **Insert Date (at least one year prior to expiration date)**.

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. Spill Control Plan

##### S7.A. Spill Control Plan submittals and requirements

The Permittee must:

1. Submit to Ecology an update to the existing Spill Control Plan by **Insert Date**.
2. Review the Plan at least annually and update the Spill Plan as needed.
3. Send changes to the Plan to Ecology.
4. Follow the Plan and any supplements throughout the term of the permit.

##### S7.B. Spill Control Plan components

The Spill Control Plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as a Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on-site which may become pollutants or cause pollution upon reaching State's waters.
2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system, the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the Plan.

The Permittee may submit plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies, which meet the intent of this section. Approval of the Spill Control Plan with respect to this requirement does not constitute approval of the plans and manuals with respect to the underlying requirement.

#### S8. Slug discharge control plan

##### S8.A. Slug discharge control plan submittal and requirements

The Permittee must:

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1. Submit to Ecology an update to the existing Slug discharge plan by **Insert Date**.
2. Review its slug discharge plan and update it as needed.
3. Submit all revisions or updates of this plan to Ecology for review and approval.
4. Keep the current approved plan on the plant site and make it readily available to facility personnel.
5. Follow the approved plan and any approved supplements throughout the term of the permit.
6. Submit an update of the slug discharge control plan, or a certification that it is current by **Insert the application for permit renewal date**.

**S8.B. Slug discharge control plan components**

The slug discharge control plan must include the following information and procedures relating to the prevention of unauthorized slug discharges:

1. A description of a reporting system the Permittee will use to immediately notify facility management, the POTW operator, and appropriate state, federal, and local authorities of any slug discharges, and provisions to provide a written follow-up report within five days.
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating slug discharges.
3. Procedures to prevent adverse impact from accidental spills including:
4. Inspection and maintenance of storage areas.
5. Handling and transfer of materials.
6. Loading and unloading operations.
7. Control of plant site run-off.
8. Worker training.
9. Building of containment structures or equipment.
10. Measures for containing toxic organic pollutants (including solvents).
11. Measures and equipment for emergency response.
12. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
13. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances.
14. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges.
15. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

## 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 122.62, 40 CFR Part 122.64, or WAC 173-220-150 according to the procedures of 40 CFR Part 124.5.

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

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- 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 90.48.465.
  - 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 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. The permitted facility being determined to be a new source pursuant to 40 CFR Part 122.29(b).
  - 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. 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.

**G7. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, 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), 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:

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- 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.

**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 and 40 CFR Part 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 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

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\$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.

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.

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#### 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).
  - d. The level established by the Director in accordance with 40 CFR Part 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 (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.

## APPENDIX A – List of Pollutants, Analytical Methods, Detection Levels and Quantitation Levels

The Permittee must use the specified analytical methods, detection levels (DLs) <sup>1</sup> and quantitation levels (QLs) <sup>2</sup> in the following table for permit and application required monitoring unless:

- Another permit condition specifies other methods, detection levels, or quantitation levels.
- 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, DL, 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 level (MDL) and a quantitation level (QL) to Ecology with appropriate laboratory documentation when the detection levels are too high to provide results near or below criteria (or applicable permit limits).

The lists below include conventional pollutants (as defined in CWA section 502(6) and 40 CFR Part 122), toxic or priority pollutants as defined in CWA section 307(a)(1) and listed in 40 CFR Part 122 Appendix D, 40 CFR Part 401.15 and 40 CFR Part 423 Appendix A), and nonconventionals. 40 CFR Part 122 Appendix D (Table V) also identifies toxic pollutants and hazardous substances which are required to be reported by dischargers if expected to be present. This permit appendix A list does not include those parameters.

**Appendix A Table 1 – Conventional pollutants**

Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Biochemical Oxygen Demand		SM5210-B		2 mg/L
Biochemical Oxygen Demand, Soluble		SM5210-B <sup>3</sup>		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

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pH		SM4500-H+ B	N/A	N/A
Total Suspended Solids		SM2540-D		5 mg/L

**Appendix A Table 2 - Nonconventional pollutants**

Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Alkalinity, Total		SM2320-B		5 mg/L as CaCO <sub>3</sub>
Aluminum, Total	7429-90-5	200.8	2.0	10
Ammonia, Total (as N)		SM4500-NH3-B and C/D/E/G/H		20
Barium Total	7440-39-3	200.8	0.5	2.0
BTEX (benzene +toluene + ethylbenzene + m,o,p xylenes)		EPA SW 846 8021/8260	1	2
Boron, Total	7440-42-8	200.8	2.0	10.0
Chemical Oxygen Demand		SM5220-D		10 mg/L
Chloride		SM4500-Cl B/C/D/E and SM4110 B		Sample and limit dependent
Chlorine, Total Residual		SM4500 Cl G	10	50
Cobalt, Total	7440-48-4	200.8	0.05	0.25
Color		SM2120 B/C/E		10 color units
Dissolved oxygen		SM4500-OC/OG		0.2 mg/L
E.coli		SM 9221B, 9221F, 9223B	N/A	Specified in method; sample aliquot dependent
Enterococci		EPA 1600 SM 9230B, 9230C, 9230D,	N/A	Specified in method; sample aliquot dependent
Flow		Calibrated device		

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Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Fluoride	16984-48-8	SM4500-F E	25	100
Hardness, Total		SM2340B		200 as CaCO <sub>3</sub>
Iron, Total	7439-89-6	200.7	12.5	50
Magnesium, Total	7439-95-4	200.7	10	50
Manganese, Total	7439-96-5	200.8	0.1	0.5
Molybdenum, Total	7439-98-7	200.8	0.1	0.5
Nitrate + Nitrite Nitrogen (as N)		SM4500-NO <sub>3</sub> -E/F/H		100
Nitrogen, Total Kjeldahl (as N)		SM4500-N <sub>org</sub> B/C and SM4500NH <sub>3</sub> -B/C/D/EF/G/H		300
NWTPH Dx <sup>4</sup>		Ecology NWTPH Dx	250	250
NWTPH Gx <sup>5</sup>		Ecology NWTPH Gx	250	250
Phosphorus, Total (as P)		SM 4500 PB followed by SM4500-PE/PF	3	10
Salinity		SM2520-B		3 practical salinity units or scale (PSU or PSS)
Settleable Solids		SM2540 -F		Sample and limit dependent
Soluble Reactive Phosphorus (as P)		SM4500-P E/F/G	3	10
Sulfate (as mg/L SO <sub>4</sub> )		SM4110-B		0.2 mg/L
Sulfide (as mg/L S)		SM4500-S2F/D/G		0.2 mg/L
Sulfite (as mg/L SO <sub>3</sub> )		SM4500-SO3B		2 mg/L
Temperature		Analog recorder or micro-recording		0.2°C

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Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
		devices (thermistors)		
Tin, Total	7440-31-5	200.8	0.3	1.5
Titanium, Total	7440-32-6	200.8	0.5	2.5
Total Coliform		SM 9221B SM 9222B	N/A	Specified in method; sample aliquot dependent
Total Organic Carbon		SM5310-B/C/D		1 mg/L
Total Dissolved solids		SM2540 C		20 mg/L

**Appendix A Table 3 - Priority pollutants: Metals, chromium (hex), cyanide & total phenols**

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Antimony, Total	114	7440-36-0	200.8	0.3	1.0
Arsenic, Total	115	7440-38-2	200.8	0.1	0.5
Beryllium, Total	117	7440-41-7	200.8	0.1	0.5
Cadmium, Total	118	7440-43-9	200.8	0.05	0.25
Chromium (hex) dissolved	119	18540-29-9	SM3500-Cr C	0.3	1.2
Chromium, Total	119	7440-47-3	200.8	0.2	1.0
Copper, Total	120	7440-50-8	200.8	0.4	2.0
Lead, Total	122	7439-92-1	200.8	0.1	0.5
Mercury, Total	123	7439-97-6	1631E	0.0002	0.0005
Nickel, Total	124	7440-02-0	200.8	0.1	0.5

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Selenium, Total	125	7782-49-2	200.8	1.0	1.0
Silver, Total	126	7440-22-4	200.8	0.04	0.2
Thallium, Total	127	7440-28-0	200.8	0.09	0.36
Zinc, Total	128	7440-66-6	200.8	0.5	2.5
Cyanide, Total	121	57-12-5	335.4	5	10
Cyanide, Weak Acid Dissociable	121		SM4500-CN I	5	10
Cyanide, Free Amenable to Chlorination (Available Cyanide)	121		SM4500-CN G	5	10
Phenols, Total	65		EPA 420.1		50

**Appendix A Table 4 - Priority pollutants: Acid compounds**

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
2-Chlorophenol	24	95-57-8	625.1	3.3	9.9
2,4-Dichlorophenol	31	120-83-2	625.1	2.7	8.1
2,4-Dimethylphenol	34	105-67-9	625.1	2.7	8.1
4,6-dinitro-o-cresol (2-methyl-4,6-dinitrophenol)	60	534-52-1	625.1/1625B	24	72
2,4 dinitrophenol	59	51-28-5	625.1	42	126
2-Nitrophenol	57	88-75-5	625.1	3.6	10.8
4-Nitrophenol	58	100-02-7	625.1	2.4	7.2
Parachlorometa cresol (4-chloro-3-methylphenol)	22	59-50-7	625.1	3.0	9.0
Pentachlorophenol	64	87-86-5	625.1	3.6	10.8
Phenol	65	108-95-2	625.1	1.5	4.5
2,4,6-Trichlorophenol	21	88-06-2	625.1	2.7	8.1

**Appendix A Table 5 - Priority pollutants: Volatile compounds**

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Acrolein	2	107-02-8	624.1	5	10
Acrylonitrile	3	107-13-1	624.1	1.0	2.0
Benzene	4	71-43-2	624.1	4.4	13.2
Bromoform	47	75-25-2	624.1	4.7	14.1
Carbon tetrachloride	6	56-23-5	624.1/601 or SM6230B	2.8	8.4
Chlorobenzene	7	108-90-7	624.1	6.0	18.0
Chloroethane	16	75-00-3	624/601	1.0	2.0
2-Chloroethylvinyl Ether	19	110-75-8	624.1	1.0	2.0
Chloroform	23	67-66-3	624.1 or SM6210B	1.6	4.8
Dibromochloromethane (chlorodibromomethane)	51	124-48-1	624.1	3.1	9.3
1,2-Dichlorobenzene	25	95-50-1	624.1	1.9	7.6
1,3-Dichlorobenzene	26	541-73-1	624.1	1.9	7.6
1,4-Dichlorobenzene	27	106-46-7	624.1	4.4	17.6
Dichlorobromomethane	48	75-27-4	624.1	2.2	6.6
1,1-Dichloroethane	13	75-34-3	624.1	4.7	14.1
1,2-Dichloroethane	10	107-06-2	624.1	2.8	8.4
1,1-Dichloroethylene	29	75-35-4	624.1	2.8	8.4
1,2-Dichloropropane	32	78-87-5	624.1	6.0	18.0
1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene) <sup>6</sup>	33	542-75-6	624.1	5.0	15.0
Ethylbenzene	38	100-41-4	624.1	7.2	21.6
Methyl bromide (Bromomethane)	46	74-83-9	624/601	5.0	10.0
Methyl chloride (Chloromethane)	45	74-87-3	624.1	1.0	2.0
Methylene chloride	44	75-09-2	624.1	2.8	8.4
1,1,2,2-Tetrachloroethane	15	79-34-5	624.1	6.9	20.7
Tetrachloroethylene	85	127-18-4	624.1	4.1	12.3
Toluene	86	108-88-3	624.1	6.0	18.0
1,2-Trans-Dichloroethylene (Ethylene dichloride)	30	156-60-5	624.1	1.6	4.8
1,1,1-Trichloroethane	11	71-55-6	624.1	3.8	11.4
1,1,2-Trichloroethane	14	79-00-5	624.1	5.0	15.0

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Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Trichloroethylene	87	79-01-6	624.1	1.9	5.7
Vinyl chloride	88	75-01-4	624/SM6200B	1.0	2.0

**Appendix A Table 6 - Priority pollutants: Base/neutral compounds**

Priority pollutants	PP #	CAS number (if available)	Recommended analytical Protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Acenaphthene	1	83-32-9	625.1	1.9	5.7
Acenaphthylene	77	208-96-8	625.1	3.5	10.5
Anthracene	78	120-12-7	625.1	1.9	5.7
Benzidine	5	92-87-5	625.1	44	132
Benzyl butyl phthalate	67	85-68-7	625.1	2.5	7.5
Benzo(a)anthracene	72	56-55-3	625.1	7.8	23.4
Benzo(b)fluoranthene (3,4-benzofluoranthene) <sup>7</sup>	74	205-99-2	610/625.1	4.8	14.4
Benzo(k)fluoranthene (11,12-benzofluoranthene) <sup>7</sup>	75	207-08-9	610/625.1	2.5	7.5
Benzo(a)pyrene	73	50-32-8	610/625.1	2.5	7.5
Benzo(ghi)Perylene	79	191-24-2	610/625.1	4.1	12.3
Bis(2-chloroethoxy)methane	43	111-91-1	625.1	5.3	15.9
Bis(2-chloroethyl)ether	18	111-44-4	611/625.1	5.7	17.1
Bis(2-chloro-1-methylethyl)Ether (Bis(2-chloroisopropyl)ether) <sup>8</sup>	42	108-60-1	625.1	5.7	17.1
Bis(2-ethylhexyl)phthalate	66	117-81-7	625.1	2.5	7.5
4-Bromophenyl phenyl ether	41	101-55-3	625.1	1.9	5.7
2-Chloronaphthalene	20	91-58-7	625.1	1.9	5.7
4-Chlorophenyl phenyl ether	40	7005-72-3	625.1	4.2	12.6
Chrysene	76	218-01-9	610/625.1	2.5	7.5
Dibenzo(a-h)anthracene (1,2,5,6-dibenzanthracene)	82	53-70-3	625.1	2.5	7.5
3,3-Dichlorobenzidine	28	91-94-1	605/625.1	16.5	49.5
Diethyl phthalate	70	84-66-2	625.1	1.9	5.7

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Priority pollutants	PP #	CAS number (if available)	Recommended analytical Protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Dimethyl phthalate	71	131-11-3	625.1	1.6	4.8
Di-n-butyl phthalate	68	84-74-2	625.1	2.5	7.5
2,4-dinitrotoluene	35	121-14-2	609/625.1	5.7	17.1
2,6-dinitrotoluene	36	606-20-2	609/625.1	1.9	5.7
Di-n-octyl phthalate	69	117-84-0	625.1	2.5	7.5
1,2-Diphenylhydrazine (as Azobenzene)	37	122-66-7	1625B/625.1	5.0	20
Fluoranthene	39	206-44-0	625.1	2.2	6.6
Fluorene	80	86-73-7	625.1	1.9	5.7
Hexachlorobenzene	9	118-74-1	612/625.1	1.9	5.7
Hexachlorobutadiene	52	87-68-3	625.1	0.9	2.7
Hexachlorocyclopentadiene	53	77-47-4	1625B/625.1	2.0	4.0
Hexachloroethane	12	67-72-1	625.1	1.6	4.8
Indeno(1,2,3-cd)Pyrene	83	193-39-5	610/625.1	3.7	11.1
Isophorone	54	78-59-1	625.1	2.2	6.6
Naphthalene	55	91-20-3	625.1	1.6	4.8
Nitrobenzene	56	98-95-3	625.1	1.9	5.7
N-Nitrosodimethylamine	61	62-75-9	607/625.1	2.0	4.0
N-Nitrosodi-n-propylamine	63	621-64-7	607/625.1	0.5	1.0
N-Nitrosodiphenylamine	62	86-30-6	625.1	1.0	2.0
Phenanthrene	81	85-01-8	625.1	5.4	16.2
Pyrene	84	129-00-0	625.1	1.9	5.7
1,2,4-Trichlorobenzene	8	120-82-1	625.1	1.9	5.7

Appendix A Table 7 - Dioxin

Priority pollutant	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (2,3,7,8 TCDD)	129	1746-01-6	1613B	1.3 pg/L	5 pg/L

**Appendix A Table 8 - Pesticides and PCBs**

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) <sup>1</sup> µg/L unless specified	Quantitation level (QL) <sup>2</sup> µg/L unless specified
Aldrin	89	309-00-2	608.3	4.0 ng/L	12 ng/L
alpha-BHC	102	319-84-6	608.3	3.0 ng/L	9.0 ng/L
beta-BHC	103	319-85-7	608.3	6.0 ng/L	18 ng/L
gamma-BHC (Lindane)	104	58-89-9	608.3	4.0 ng/L	12 ng/L
delta-BHC	105	319-86-8	608.3	9.0 ng/L	27 ng/L
Chlordane <sup>9</sup>	91	57-74-9	608.3	14 ng/L	42 ng/L
4,4'-DDT	92	50-29-3	608.3	12 ng/L	36 ng/L
4,4'-DDE	93	72-55-9	608.3	4.0 ng/L	12 ng/L
4,4' DDD	94	72-54-8	608.3	11ng/L	33 ng/L
Dieldrin	90	60-57-1	608.3	2.0 ng/L	6.0 ng/L
alpha-Endosulfan	95	959-98-8	608.3	14 ng/L	42 ng/L
beta-Endosulfan	96	33213-65-9	608.3	4.0 ng/L	12 ng/L
Endosulfan Sulfate	97	1031-07-8	608.3	66 ng/L	198 ng/L
Endrin	98	72-20-8	608.3	6.0 ng/L	18 ng/L
Endrin Aldehyde	99	7421-93-4	608.3	23 ng/L	70 ng/L
Heptachlor	100	76-44-8	608.3	3.0 ng/L	9.0 ng/L
Heptachlor Epoxide	101	1024-57-3	608.3	83 ng/L	249 ng/L
PCB-1242 <sup>10</sup>	106	53469-21-9	608.3	0.065	0.195
PCB-1254	107	11097-69-1	608.3	0.065	0.195
PCB-1221	108	11104-28-2	608.3	0.065	0.195
PCB-1232	109	11141-16-5	608.3	0.065	0.195
PCB-1248	110	12672-29-6	608.3	0.065	0.195
PCB-1260	111	11096-82-5	608.3	0.065	0.195
PCB-1016 <sup>10</sup>	112	12674-11-2	608.3	0.065	0.195
Toxaphene	113	8001-35-2	608.3	240 ng/L	720 ng/L

## Footnotes

<sup>1</sup> Detection level (DL) – or method detection limit means the minimum concentration of an analyte (substance) that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results as determined by the procedure given in 40 CFR part 136, Appendix B.

<sup>2</sup> Quantitation Level (QL) – also known as Minimum Level (ML) – The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (DL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the DL in a method, or the DL determined by a laboratory, by a factor of 3. For the purposes of NPDES compliance monitoring, EPA considers the following terms to be synonymous: “quantitation limit,” “reporting limit,” and “minimum level”.

<sup>3</sup> Soluble Biochemical Oxygen Demand – method note: First, filter the sample through a Millipore Nylon filter (or equivalent) - pore size of 0.45-0.50 um (prep all filters by filtering 250 ml of laboratory grade deionized water through the filter and discard). Then, analyze sample as per method 5210-B.

<sup>4</sup> Northwest Total Petroleum Hydrocarbons Diesel Extended Range OR NWTPH Dx – Analytical Methods for Petroleum Hydrocarbons  
<https://apps.ecology.wa.gov/publications/documents/97602.pdf>

<sup>5</sup> Northwest Total Petroleum Hydrocarbons Gasoline Extended Range OR NWTPH Gx – Analytical Methods for Petroleum Hydrocarbons  
<https://apps.ecology.wa.gov/publications/documents/97602.pdf>

<sup>6</sup> 1, 3-dichloropropylene (mixed isomers) – You may report this parameter as two separate parameters: cis-1, 3-dichloropropene (10061-01-5) and trans-1, 3-dichloropropene (10061-02-6).

<sup>7</sup> Total Benzo(a)fluoranthenes – Because Benzo(b)fluoranthene, Benzo(j)fluoranthene and Benzo(k)fluoranthene co-elute you may report these three isomers as total benzo(a)fluoranthenes.

<sup>8</sup> Bis(2-Chloro-1-Methylethyl) Ether – This compound was previously listed as Bis(2-Chloroisopropyl) Ether (39638-32-9)

<sup>9</sup> Chlordane – You may report alpha-chlordane (5103-71-9) and gamma-chlordane (5103-74-2) in place of chlordane (57-74-9). If you report alpha and gamma-chlordane, the DL/PQLs that apply are 14/42 ng/L.

<sup>10</sup> PCB 1016 & PCB 1242 – You may report these two PCB compounds as one parameter called PCB 1016/1242.

<sup>11</sup> Prior to approval of analytical methods for PFAS chemicals under 40 CFR 136, the permittee must use the latest revision of EPA Method 1633. After analytical methods for PFAS chemicals are approved under 40 CFR 136, the permittee may use any sufficiently sensitive approved analytical method. If a laboratory that can analyze PFAS chemicals via Method 1633 is not reasonably available, the permittee may request use of an alternate method and Ecology can approve the alternative method by email.

## APPENDIX B

**CITY OF PROSSER**  
**INDUSTRIAL WASTEWATER USER CONTRACT**  
**MILNE FRUIT PRODUCTS**  
 July 1, 2018  
**UPDATED SCHEDULE A**  
 ALLOWABLE WASTEWATER DISCHARGES<sup>1,2,4</sup>

<b>Month</b>	<b>Average Daily Flow<sup>3</sup></b> (million gallons per day)	<b>Monthly Flow</b> (million gallons per month)	<b>Average Daily BOD Loading<sup>3</sup></b> (pounds per day)	<b>Monthly BOD Loading</b> (pounds per month)	<b>Average Daily TSS Loading<sup>3</sup></b> (pounds per day)	<b>Monthly TSS Loading</b> (pounds per month)
January	0.550	17.050	3,500	108,500	2,600	80,600
February	0.550	15.400	3,500	98,000	2,600	72,800
March	0.550	17.050	3,500	108,500	2,600	80,600
April	0.550	16.500	3,500	105,000	2,600	78,000
May	0.550	17.050	3,500	108,500	2,600	80,600
June	0.550	16.500	3,500	105,000	2,600	78,000
July	0.550	17.050	3,500	108,500	2,600	80,600
August	0.550	17.050	3,500	108,500	2,600	80,600
September	0.550	16.500	5,000	150,000	2,600	78,000
October	0.550	17.050	5,000	155,000	2,600	80,600
November	0.550	16.500	3,500	105,000	2,600	78,000
December	0.550	17.050	3,500	108,500	2,600	80,600

**Footnotes:**

- <sup>1</sup> The allowable wastewater discharges listed are for the total sum of the discharges from the two separate Milne Fruit Products discharge locations.
- <sup>2</sup> The surcharge provisions found in paragraph 3.6 of the Contract shall apply to discharges in excess of those listed in Schedule A.
- <sup>3</sup> Average daily discharges are considered to be the maximum discharges for a month expressed in terms of gallons or pounds per day. They represent the average daily loading over the month based on available test data. They do not represent maximum daily discharge limits.
- <sup>4</sup> The discharge of toxic substances as described in paragraph 4.1 of the Contract, or harmful waste as described in section 13.34.030 of the Prosser Municipal Code, is prohibited.

- 4.5 If components of MFP's industrial wastewater discharges exceed the allowable quantities set forth in Condition 3.9 of this Contract, the rates for that portion in excess of that set forth in Condition 3.9 shall be 1.25 times the rate listed in Condition 4.3.

5. Prohibited Discharges:

- 5.1 MFP shall not cause or permit the release or discharge of the following pollutants to the City's wastewater system:
- A. Pollutants which create a fire or explosion hazard in the City's wastewater system, including, but not limited to, discharges with a closed cup flashpoint of less than 140° Fahrenheit or 60° Centigrade using the test method specified in 40 CFR 261.21;
  - B. Pollutants which will cause corrosive structural damage to the wastewater system, but in no cases discharges with a pH lower than 5.0 or greater than 11.0;
  - C. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the wastewater system;
  - D. Any discharge at a flow rate and/or concentration which will cause interference with wastewater treatment;
  - E. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference with wastewater treatment or will pass through the wastewater system untreated;
  - F. Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause acute worker health and safety problems or will pass through the wastewater system untreated; and
  - G. Heat in amounts which will inhibit biological activity or which would cause wastewater entering the treatment plant to exceed 40° Centigrade.

6. Billing Procedure:

- 6.1 Monthly billings by the City and payments by MFP shall be in accordance with City standard billing and payment procedures.

7. Remedies if MFP Fails to Perform:

- 7.1. If MFP fails to make any payment or perform any obligation required of MFP under the terms of this Contract, the City shall be entitled to exercise all rights and remedies allowed by law or equity including, without limitation, the following remedies which may be cumulative: