DEPARTMENT OF ECOLOGY
State of Washington

Issuance Date: _?_

Effective Date: _?_

Expiration Date: _?_

State Waste Discharge Permit ST0501324

State of Washington
DEPARTMENT OF ECOLOGY

Eastern Regional Office
4601 North Monroe Street
Spokane Washington 99205-1265

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington

Simplot Feeders LLC
13981 Dodd Road
Burbank, WA 99323

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

Facility Location:	13981 Dodd Road, Burbank, WA 99323
Treatment Type:	Composting and Land Treatment
Industry Type:	Concentrated Animal Feeding Operation (beef cattle feeding)
SIC Code:	0211 – Beef Cattle Feedlots
NAICS Code:	112112 – Cattle Feedlots
Discharge Location:	Infiltration to ground. Approximately 18,600 acres at T7N, R32E, Sections 2-4, 9-11, 15-20, 33; T8N, R31E, Sections 3, 10-15, 18,19, 22–28, 30;T8N, R32E, Sections 2-4, 13, 16–23, 25-35

Adriane Borgias
Water Quality Section Manager
Eastern Regional Office
Washington State Department of Ecology

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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	July 15, 2025
S3.C	Land Treatment Annual Report	1/year	March 1, 2027
S3.H	Reporting Permit Violations	As necessary	-
S4.A	Operations and Maintenance Manual Update	1/permit cycle	November 1, 2025
S4.B	Lined Lagoon Treatment System Operating Plan	Once	6 months after Lagoon is constructed
S5.D	Manure Pollution Prevention Plan	1/permit cycle	November 1, 2026
S6.1	Lined Lagoon Treatment System Engineering Design Report	1/permit cycle	June 1, 2026
S6.4	Plans and Specifications for construction of lined treatment lagoons.	Once	Within 120 days following Engineering Report approval
S7.	Land Treatment System Engineering Design Report (Irrigation and Crop Management)	1/permit cycle	December 1, 2025
S8.1.	Groundwater (GW) Quality Evaluation Scope of Work (SOW)	1/permit cycle	August 1, 2026
S8.2.	Groundwater Monitoring Workplan	1/permit cycle	Within 6 months of GW SOW approval
S8.3.	Groundwater Well Network installed	1/permit cycle	Within 2 months of GW Workplan approval
S8.4	Groundwater Quality Evaluation Study Report	1/permit cycle	August 1, 2027
S9.	Emergency Response Plan	1/permit cycle	December 1, 2026
S10.	Application for Permit Renewal	1/permit cycle	January 1, 2030

Permit Section	Submittal	Frequency	First Submittal Date
G1.	Notice of Change in Authorization	As necessary	-
G4.	Reporting a Cause for Modification	As necessary	-
G5.	Plan Approval	Once	-
G7.	Notice of Permit Transfer	As necessary	-
G10.	Duty to Provide Information	As necessary	-

SPECIAL CONDITIONS

S1. Discharge limits

S1.A. Effluent limits

All discharges and activities authorized by this permit must comply 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 process wastewater to evaporation ponds and land treatment fields at the permitted location subject to the following limits:

Groundwater enforcement limits: Discharges are subject to the following limits. The point of compliance is at monitoring wells MW1 and MW5. The limits will apply to new wells after they are installed as delineated in the approved Groundwater Quality Evaluation.

Table 2 - Groundwater Enforcement Limits[a]

Parameter	Statistic*
Nitrate plus Nitrite Nitrogen	34 mg/L as N
Total Kjeldahl Nitrogen	0.80 mg/L as N
Total Dissolved Solids	900 mg/L
Chloride	200 mg/L
Total Coliforms	1 cfu/100 mL

Table Footnote:

[a] Enforcement Limit calculations are presented in the ST0501324 Fact Sheet, Appendix D.

The Permittee may only apply wastewater seasonally from March 1 to November 30 to land treatment fields. The Permittee must request in writing any changes to the application season and must not discharge outside of the permitted seasonal range until Ecology approves the request, per Section S4.C.

The Permittee is authorized to apply process wastewater for final treatment on approximately 1,400 acres of designated land treatment fields at the following locations:

T 8 N, R 31 E, Sections 8, 16, 17, 18, 23, 24, 25A, 26, 27. 28 and 29

The Permittee is authorized to apply manure on land treatment sites on approximately 18,600 acres at the following locations:

- T7N, R32E, Sections 2-4, 9-11, 15-20, 33
- T8N, R31E, Sections 3, 10-15, 18,19, 22–28, 30
- T8N, R32E, Sections 2-4, 13, 16–23, 25-35

S1.B. Best management practices/pollution prevention

The Permittee must comply with the following Best Management Practices to prevent pollution to waters of the State:

1. Do not discharge in excess of the hydraulic capacity of the lagoons so that the pond overflows.
2. Do not discharge priority pollutants, dangerous wastes, or toxics in toxic amounts.
3. Do not discharge lagoon wastewater within 100 feet of a surface water body or water conveyance including roadside drainage ditches.
4. Inspect equipment used to convey manure and manure runoff water weekly to prevent unauthorized discharges, as defined in the Operations and Maintenance Manual (O&M).
5. Collect and remove any dead wildlife observed onsite. Report wildlife mortalities of any raptors (eagles, hawks, falcons, owls), listed or protected species (shorebirds, western grebes, pelicans), or incidents of 5 or more sick/injured waterbirds to WDFW via the Report Sick, Injured, Dead Wildlife online reporting tool[1] and by contacting the Region 1 Office at (509) 892-1001 or by email at TeamSpokane@dfw.wa.gov. During periods when daily high air temperatures reach >90 degrees, weekly checks of impoundments specifically for dead or sick wildlife should be completed.
6. Animal mortalities must be handled such that they do not pose a threat to surface or groundwater quality. Until properly disposed of, mortalities must be isolated from runoff, infiltration or water accumulation. All water that contacts mortalities must be contained and directed to liquid storage areas. Follow state requirements for mortality handling listed in WAC 16-25, WAC 16-70-020 and WAC 246-203-121.

S2. Monitoring requirements

S2.A. Process wastewater monitoring

The Permittee must measure the flow rate into Lagoon 14 and monitor the process wastewater by obtaining grab samples from Lagoon 14. Flow rates monitoring and reporting will start when the Engineering upgrade described in S6.1 is completed.

[1] https://wdfw.wa.gov/get-involved/report-observations

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods. If the Permittee uses an alternative method not specified in the permit, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

Table 3 - Monitoring Requirements – Process Wastewater

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
Flow	Gallons/day (gpd)	Calibrated Device	1/Day	Flow Meter
pH [a]	Standard Units (s.u.)	SM 4500 H+B	Monthly	Grab
Biochemical Oxygen Demand (BOD_5)	mg/L	SM 5210 B	Monthly	Grab[b]
BOD_5	lbs/day	Not applicable (NA)	Monthly	Calculated [c]
Total Dissolved Solids (TDS)	mg/L	SM 2540 C	Monthly	Grab[b]
TDS	lbs/day	NA	Monthly	Calculated [c]
Kjeldahl Nitrogen (TKN)	mg/L as N	SM 4500-N Org B/C	Monthly	Grab[b]
Nitrate plus Nitrite	mg/L as N	4500-NO3-E/F/H	Monthly	Grab[b]
Total Phosphorus	mg/L as P	SM 4500-PE/PF (EPA 365.1)	Monthly	Grab[b]
NH_3 nitrogen	mg/L as N	SM 4500-NH3-G/H	Monthly	Grab[b]

Table 3 Footnotes:

[a] The Permittee must report the instantaneous maximum and minimum pH monthly. Do not average pH values.

[b] Grab means an individual sample collected over a 15-minute or less period.

[c] Calculated means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day

S2.B. Irrigation wastewater monitoring

The Permittee must sample at a location that best represents the treated process water pumped from Lagoon 14 and applied to land treatment fields. The sampling point for the irrigated process water is at the irrigation pump station(s) located at Lagoon 14. The Permittee must report results in the annual Land Treatment Report as described in Section S3.C.

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample. If the Permittee uses an alternative method not specified in the permit, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

Table 4 - Irrigation Process Water Monitoring

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
Flow	Million gallons day (mgd)	Calibrated Device	Daily	Flow Meter
pH	s.u.	SM 4500 H+B	Monthly	Grab
BOD_5	mg/L	SM 5210 B	Monthly	Grab [a]
BOD_5	lbs/day	NA	Monthly	Calculated [b]
Total Dissolved Solids (TDS)	mg/L	SM 2540 C	Monthly	Grab [a]
TDS	lbs/day	NA	Monthly	Calculated [b]
Total Kjeldahl Nitrogen (TKN)	mg/L as N	SM 4500-N Org B/C	Monthly	Grab [a]
TKN	lbs/day as N	NA	Monthly	Calculated [b]
Nitrate plus Nitrite	mg/L as N	SM 4500-NO3-E/F/H	Monthly	Grab [a]
Nitrate plus Nitrite	lbs/day as N	NA	Monthly	Calculated [b]
NH_3 Nitrogen	mg/L	SM 4500-NH3-G/H	Monthly	Grab [a]
Total Phosphorus	mg/L as P	SM 4500-PE/PF (EPA 365.1)	Monthly	Grab [a]
Potassium	mg/L	EPA 200.7	Monthly	Grab [a]
Sodium	mg/L	EPA 200.7	Monthly	Grab [a]

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
Total Coliform	# organisms/100 mL	SM 9221B, 9222B	Monthly	Grab [a]

Table 4 Footnotes:

[a] Grab means an individual sample collected over a 15-minute or less period.

[b] Calculated means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day

S2.C. Supplemental irrigation water monitoring

Sample during the months when irrigation is applied.

The Permittee must monitor the supplemental irrigation water according to the following schedule:

Table 5 - Supplemental Irrigation Water Monitoring

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
pH	Standard Units	SM 4500-H+ B	Monthly	Grab [a]
Total Dissolved Solids (TDS)	mg/L	SM 2540 C	Monthly	Grab [a]
TDS	lbs/day	NA	Monthly	Calculated [b]
BOD_5	mg/L	SM 5210 B	Monthly	Grab [a]
BOD_5	lbs/day	NA	Monthly	Calculated [b]
Total Kjeldahl Nitrogen (TKN)	mg/L as N	SM 4500-N Org B/C	Monthly	Grab [a]
TKN	lbs/day as N	NA	Monthly	Calculated [b]
Nitrate plus Nitrite Nitrogen	mg/L as N	SM 4500-NO3-E/F/H	Monthly	Grab [a]
Nitrate plus Nitrite	lbs/day as N	NA	Monthly	Calculated [b]
NH_3 Nitrogen	mg/L	SM 4500-NH3-G/H	Monthly	Grab [a]
Sodium	mg/L	EPA 200.7	Monthly	Grab [a]

Table 5 Footnotes:

[a] Grab means an individual sample collected over a 15-minute or less period.

[b] Calculated means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day

S2.D. Groundwater monitoring

The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample. If the Permittee uses an alternative method not specified in the permit, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

The Permittee must monitor the groundwater at monitoring wells MW1, MW4A, MW4B, and MW5 according to the following schedule. Upon completion of the Hydrogeologic Assessment (described in S8) and installation of the monitoring wells prescribed in the approved hydrogeologic assessment report, sampling and analyses from the new monitoring wells will be required according to the following schedule.

Table 6 - Groundwater monitoring

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
Measured Depth to Groundwater	Feet (nearest 0.01 ft)	NA	Monthly	Field Measurement
pH	s.u.	SM 4500 H+B	Monthly	Grab [a]
Iron (Total)	mg/L	EPA 200.7	Monthly	Grab [a]
Total Organic Carbon	mg/L	SM 5310-B/C/D	Monthly	Grab [a]
Chloride	mg/L	SM 4110 B	Monthly	Grab [a]
Sulfate	mg/L	SM4110 B	Monthly	Grab [a]
Total Dissolved Solids	mg/L	SM2540 C	Monthly	Grab [a]
Nitrate plus Nitrite Nitrogen	mg/L as N	SM 4500/NO3 E/F/H	Monthly	Grab [a]
Total Kjeldahl Nitrogen (TKN)	mg/L as N	SM 4500-N Org B/C	Monthly	Grab [a]
Dissolved Oxygen	mg/L	SM4500	Monthly	Grab [a]
Manganese (Total)	mg/L	EPA 200.7	Monthly	Grab [a]
Copper	µg/L	EPA 200.7	Monthly	Grab [a]
Zinc	µg/L	EPA 200.7	Monthly	Grab [a]

Parameter	Units	Laboratory Method	Minimum Sampling Frequency	Sample Type
Arsenic	µg/L	EPA 200.7	Monthly	Grab [a]
Magnesium	µg/L	EPA 200.7	Monthly	Grab [a]

Table 6 Footnote:
[a] Grab means an individual sample collected over a 15-minute or less period.

S2.E. Soil monitoring for land treatment fields

The Permittee must monitor soil at Simplot owned Grandview Farms fields that receive treated wastewater as follows:

The Permittee must:

1. Monitor twice per year, once prior to wastewater field application, generally in the late winter or spring, and once a minimum of 30-days after the final field application is completed for the year and prior to an additional 3-inches of precipitation or irrigation following the field application.
2. Locate sampling sites so they represent each irrigation site or as identified in the Land Treatment Engineering Design report.
3. If possible, locate sampling sites in the same vicinity each year.
4. Test soil at each sampling site at depth increments listed in Table 7.
5. Submit results annually with the Land Treatment report.
6. Composite a minimum of 15 core samples at the three depth increments as defined in Table 7 (or until auger refusal).
7. Follow soil sample and collection, handling and storage procedures described in the Oregon State University Extension Service Postharvest Nitrate Testing brochure (No. EM 8832).

The Permittee must monitor the soils in the land treatment fields (fields numbered 8, 16, 17, 18, 23, 24, 25A, 26, 27, 28, 29) for the parameters listed in Table 7 according to the following schedule:

Table 7 - Soil Monitoring

Parameter	Units & Speciation	Sample Point	Depth Increments [a]
Sodium Adsorption Ratio	unitless	Each field	Increment 1, 2 and 3
Cation Exchange Capacity	meq/100g	Each field	Increment 1, 2 and 3
Organic Matter	%	Each field	Increment 1, 2 and 3
Moisture Content	%	Each field	Increment 1, 2 and 3
Total Kjeldahl Nitrogen (TKN)	mg/Kg as N	Each field	Increment 1, 2 and 3
Nitrate plus Nitrite Nitrogen	mg/Kg as N	Each field	Increment 1, 2 and 3
Phosphorus (Total)	mg/Kg	Each field	Increment 1, 2 and 3
Conductivity	micromhos/cm	Each field	Increment 1, 2 and 3
Sodium (Total)	meq/100g	Each field	Increment 1, 2 and 3
Potassium (Total)	mg/Kg	Each field	Increment 1, 2 and 3
Sulfate	mg/Kg as S	Each field	Increment 1, 2 and 3
pH	Standard Units	Each field	---

Table 7 Footnotes:
[a] Use depth increments (ft.) vs. depth (inches) for composite samples as follows: (1) 0 - 12 inches; (2) 12-24 inches; (3) 24-60 inches.

S2.F. Soil monitoring at fields where manure is applied

The Permittee must monitor soil at Simplot owned Grandview Farms fields that received composted manure in the previous 24-months or where manure application is planned in the next 12-months as follows. If those fields are not already monitored in compliance with S2.E, the Permittee must:

1. Monitor twice per year, once prior to manure field application, generally in the late winter or spring, and once 30-days after the final field application is completed for the year and prior to an additional 3-inches of precipitation or irrigation.
2. Locate sampling sites so they represent each land treatment field or as identified in the Manure Pollution Prevention Plan.

3. If possible, locate sampling sites in the same vicinity each year.
4. Composite a minimum of 15 core samples at the three depth increments as defined in Table 7 (or until auger refusal).
5. Follow soil sample and collection, handling and storage procedures described in the Oregon State University Extension Service Postharvest Nitrate Testing brochure (No. EM 8832).
6. Submit results annually with the Land Treatment report.

The Permittee must monitor the soils in the fields where manure was applied in the previous 24-months, this includes the 151 fields located at:

T7N, R32E, Sections 2-4, 9-11, 15-20, 33; T8N, R31E, Sections 3, 10-15, 18,19, 22–28, 30; T8N, R32E, Sections 2-4, 13, 16–23, 25-35

once per year in accordance with the monitored parameters and depth intervals listed in Table 7.

S2.G. Crop monitoring

The Permittee must:

1. Monitor the crops for the parameters listed below on each field once per harvest.
2. Combine at least 10 random samples from the crop harvest for each center pivot field into the composite sample for analysis.
3. Submit results annually with the Land Treatment Report.

Table 8 - Crop monitoring

Parameter	Units, Speciation, & Measurement Basis
Crop Production	dry tons/acre
Moisture Content	%
Crude Protein	%
Total Kjeldahl Nitrogen	%
Nitrate plus Nitrite Nitrogen	mg/Kg as N (dry weight)
Phosphorus	%
Solids (Total Fixed) (Ash Weight)	mg/Kg (dry weight)
Potassium	mg/Kg (dry weight)

S2.H. Manure Monitoring

The Permittee must:

1. Combine at least five random samples from the solid manure applied to each field, every year into a composite sample for analysis.
2. Submit analysis results annually with the Land Treatment Report.
3. Report the total amount of manure collected and the amount of on-farm compost and biosolids collected each year. Report the amount of manure applied and the amount of compost and biosolids to each field that year.

   Report the amount of manure exported offsite to each entity or business receiving manure and their facility location. Submit the amounts annually with Land Treatment Report.
4. Analyze the sample for the parameters below.

Table 9 - Manure Analysis Requirements

Parameter	Units	Sample Point
Exchangeable Sodium Percentage	%	Each field
Organic Matter	%	Each field
Moisture Content	%	Each field
Total Kjeldahl Nitrogen (TKN)	mg/Kg as N	Each field
Nitrate plus Nitrite Nitrogen	mg/Kg as N	Each field
Phosphorus (Total)	mg/Kg	Each field
Conductivity	micromhos/cm	Each field
Potassium	mg/Kg	Each field
Sodium (Total)	meq/100g	Each field
Potassium (Total)	mg/Kg	Each field
Sulfate	mg/Kg as S	Each field
pH	Standard Units	Each field

S2.I. 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.

Groundwater sampling must conform to the protocols in the Implementation Guidance for the Ground Water Quality Standards, (Ecology, 2005).

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136 or Standard Methods for the Examination of Water and Wastewater (APHA) unless otherwise specified in this permit or approved in writing by Ecology.

The Permittee must conduct and report all soil analysis in accordance with the Western States Laboratory Plant, Soil and Water Analysis Manual, Soil, Plant and Water Reference Methods for the Western Region, 4th Edition (Miller, Gavlak, & Horneck, 2013).

The Permittee must also participate in a proficiency testing program such as the North American Proficiency Testing Program (NAPT)[2].

S2.J. Flow measurement and field measurement

The Permittee must:

1. Select and use appropriate flow measurement devices and methods consistent with accepted scientific practices.
2. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard, the manufacturer's recommendation, and approved O&M manual procedures for the device and the wastestream.
3. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.
4. Establish a calibration frequency for each device or instrument in the O&M manual that conforms to the frequency recommended by the manufacturer.
5. Calibrate flow-monitoring devices at a minimum frequency of at least one calibration per year.
6. Maintain calibration records for at least three years.

[2] https://www.naptprogram.org/

S2.K. 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 this requirement.

Crops and soils data are process control parameters, which do not require preparation by an accredited laboratory. However, the Permittee must obtain this data from a reputable agricultural test lab that is an active participant in a nationally recognized agricultural laboratory proficiency testing program.

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[3]. 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.

[3] https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance

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. Laboratory reports must include the chain of custody and QA/QC results.

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 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 Program
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, Washington 99205-1265

S3.C. Land treatment annual report

The Permittee must submit a Wastewater Land Treatment Report annually **starting March 1, 2027** for Ecology review. The Permittee must upload an electronic copy of the report as outlined in Section S3.B of this permit.

The report must include the following information for each reporting year:

1. The design limit factor(s).
2. The test results from Section S2 of this permit.
3. Monthly loading data for each land treatment field must include wastewater and manure applied, contributions from commercial fertilizers applied, and supplemental water.
4. A water balance including the following calculations for each field in the land treatment system that was irrigated with the wastewater during the reporting year.
    a. Irrigation system efficiency and application uniformity.
    b. The quantity of supplemental irrigation water and wastewater applied.

c. Annual precipitation.

d. Crop consumptive use.

e. Water stored in the soil profile outside the normal growing season.

f. Salt leaching requirement for each field.

g. The leaching fraction for each field.

5. Soil testing results

   a. A five year time series graph depicting each depth sampled separately (for soil test locations where five years of data was collected). Add a trending analysis for the soil depth values for TKN, nitrate nitrogen, ESP (exchangeable sodium percentage) SAR (sodium adsorption ration, and soluble salts. The trend analysis shall begin with the baseline year of 2024.

   b. Soil test results for fields where manure was applied within the past 24-months, and for fields planned to receive manure in the next 12-months.

6. Crop testing results, including crop yields for each harvest on each field.

7. Groundwater testing results, including a continuous trend analysis of the groundwater nitrate, TDS, pH, and dissolved oxygen concentration values at each monitoring well, and compared to its respective groundwater criteria value.

8. A comparison between the operations of the land treatment system for the reporting year with what is given in the design report. The comparison shall include:

   a. Crop type, acreage, and yield (wet weight).

   b. Monthly and annual water balance.

   c. Monthly and annual leaching fraction and leaching requirement.

   d. Monthly total nitrogen, fixed dissolved solids, and BOD_5 mass loadings.

   e. Annual total nitrogen balance existing and design values given in the five year Land Treatment Engineering Design Report.

9. Manure test results and manure distribution

   a. Manure amount applied that year to each field.

   b. Compost and biosolids applied that year to each field.

   c. Amount of manure exported offsite and receiving entity.

   d. Manure sample nutrient content test results.

10. Describe the changes to the operation of the wastewater farm that will be made by the Permittee in response to prior exceedances of the water, nutrient loading, or treatment capabilities.
11. Cropping and irrigation schedule for the upcoming year. This schedule must include crop management information:
    a. The proposed acreage for each crop.
    b. Cultivation and harvesting requirements.
    c. Expected crop yields.
    d. Methods for establishing a crop.
    e. Proposed schedule for herbicide, pesticide, and fertilizer application.
12. Irrigation Management information including:
    a. The frequency and timing of wastewater and supplemental irrigation water application (including harvest and non-harvest periods).
    b. Recommended rest cycles for wastewater application where organic or hydraulic loading is of concern.
    c. An estimation of the leaching requirement for each field and the plan to meet the requirement.
13. The estimated annual total net nitrogen and water load capacity, and the total dissolved solids and BOD_5 load to each field based on the estimated wastewater discharge and manure application for the planned crop rotation.

S3.D. Records retention

The Permittee must retain records of all monitoring information for a minimum of five 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 any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

The Permittee must retain all records pertaining to the monitoring of solids, manure, compost and sludge removed from the lagoons for a minimum of five years.

S3.E. 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 date and time the analysis was performed.
4. The individual who performed the analysis.
5. The analytical technique or method used.
6. The results of all analyses.

S3.F. 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.G. 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, the Department of Health Drinking Water Program (at the numbers listed below), for all:

    - Overflows or leaks of transmission or irrigation pipelines that discharge to a waterbody used as a source of drinking or irrigation water.

Ecology Eastern Regional Office	(509) 329-3400
Department of Health Drinking Water Program	(800) 521-0323 (business hours) (877) 481-4901 (after hours)
Walla Walla Department of Community Health	(509) 524-2650

    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. The Permittee must report occurrences to the Washington Department of Agriculture by email at DNMPadmin@agr.wa.gov.

The Permittee must report:

(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 any effluent limit in the permit. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee.

An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(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) When a monitoring well parameter exceeds an enforcement limit in two consecutive sampling events.

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) Maps, drawings, aerial photographs, or pictures to show the location and cause(s) of the noncompliance.

(iii) The period of noncompliance, including exact dates and times.

(iv) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.

(v) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Submit the written report electronically using the Water Quality Permitting Portal – Permit Submittals application.

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.H. 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[4] 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.I. 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 and 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.

[4] https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill

S4.A. Operations and maintenance (O&M) manual

1. The Permittee must:

   a. Update the Operations and Maintenance (O&M) Manual that meets the requirements of 173-240-080 WAC and submit it to Ecology for approval **by November 1, 2025**.

   b. Submit to Ecology for review and approval any substantial changes or updates to the O&M Manual.

   c. Keep the approved O&M Manual at the permitted facility.

   d. Follow the instructions and procedures of this manual.

2. In addition to the requirements of WAC 173-240-080(1) through (5), the O&M Manual must be consistent with the guidance in Section G1-4.4 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 wastewater system upset or failure, including pipeline leaks.

   b. Irrigation and land treatment system operational controls and procedures.

   c. Wastewater system maintenance procedures for the storage management and treatment of the wastewater generated.

   d. Sampling procedures and reporting protocols to comply with the reporting requirements in the discharge permit.

   e. 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).

   f. The treatment plant process control monitoring schedule.

   g. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.

   h. Protocols and procedures for groundwater monitoring network, and soil sampling and testing.

   i. Protocols and procedures for the lined storage lagoon leak system, sampling and testing including reporting and response if a leak is detected through any portion of the liner system.

   j. Maintenance and operations procedures for composting manure.

S4.B. Lined Lagoon Treatment system operating plan (LLTSOP)

For the purposes of this permit, a Lined Lagoon Treatment System Operating Plan (LLTSOP) is a concise summary of specifically defined elements of the Lined Lagoon treatment system as defined in the Engineering Report submitted in accordance with Section S7 of this permit.

The Permittee must summarize the following information in the initial chapter of the O&M Manual entitled the “Lined Lagoon Treatment System Operating Plan.”

The Permittee must submit an updated Lined Lagoon Treatment System Operating Plan to Ecology **within six months after the lagoon is constructed.** The Permittee must update and submit this plan, as necessary, to include requirements for any major modifications of the treatment system.

The LLTSOP must not conflict with the O&M Manual and must include the following information:

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

S4.C. Irrigation land application best management practices

The Permittee must:

1. Operate the irrigation system to protect the existing and future beneficial uses of the groundwater and not cause a violation of the groundwater standards.
2. Not allow spray irrigation practices to result in runoff of wastewater to any surface waters of the state or to any land not owned by or under its control.
3. Use recognized good practices, and all available and reasonable procedures to control odors from the land application system.

4. Implement measures to reduce odors to a reasonable minimum when notified by Ecology.
5. Not apply wastewater to the irrigation lands in quantities that:
    a. Significantly reduce or destroy the long-term infiltration rate of the soil.
    b. Would cause long-term anaerobic conditions in the soil.
    c. Would cause ponding of wastewater and produce objectionable odors or support insects or vectors.
    d. Would cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter groundwater quality in amounts that would affect current and future beneficial uses.
6. Maintain all irrigation agreements for lands not owned for the duration of the permit cycle. Any reduction in irrigation lands by termination of any irrigation agreements may result in permit modification or revocation.
7. Immediately inform Ecology in writing of any proposed changes to existing irrigation agreements.
8. Maintain a viable and healthy cover crop on all fields that receive wastewater.
9. Use supplemental water or precipitation to control soil salinity.
10. Adjust irrigation plans during high precipitation events to minimize percolate losses.
11. Discontinue operation during periods of heavy or prolonged rainfall to prevent ground saturation and runoff.

S4.D. Best management practices\pollution prevention program

Wetland/impoundment Management activities that limit emergent aquatic vegetation (cattails/reeds) may be conducted outside of the bird nesting season (April 1 – July 31). From April – July, no mowing or herbicide application or other vegetation controls should be used in or adjacent to impoundments/wetlands. Collect and remove any dead wildlife observed onsite in accordance with Chapter 16-68 WAC.

Report wildlife mortalities of any raptors (eagles, hawks, falcons, owls) listed or protected species (shorebirds, western grebes, pelicans) or incidents of five or more sick or injured waterbirds to Washington Department of Fish & Wildlife (WDFW) via the Report Sick, Injured, Dead Wildlife online reporting tool[5] and by contacting the Region 1 office at (509) 892-1001 or by email at TeamSpokane@@dfw.wa.gov.

[5] https://wdfw.wa.gov/get-involved/report-observations,

During periods when daily high air temperatures reach >90 degrees Fahrenheit, weekly checks of impoundments specifically for dead or sick wildlife should be completed.

1. Safety Precautions for Handling Sick or Dead Wild Birds

   - Avoid bare handed contact with dead birds. Instead, use disposable gloves or a plastic bag to pick up carcasses.
   - Place carcasses in double plastic bags for transport.
   - Wash hands with soap and water immediately after handling carcasses. If hand sanitizer is available, use it after washing hands.
   - Do not eat, drink, smoke, or touch your eyes, nose, or mouth until you have washed your hands.

S5. Solid wastes

S5.A. Manure 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 manure or other solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S5.C. Manure processing

For composted manure, follow Chapter 173-350-220(4)(5) and (6) in coordination with the Walla Walla Department of Community Health for reporting of compost storage, distribution, handling and disposal.

S5.D. Manure pollution prevention plan

1. Manure pollution prevention plan submittal requirements, the Permittee must:

   a. Submit a Manure Pollution Prevention Plan (MPPP) to Ecology **by November 1, 2026.**

   b. Submit to Ecology any proposed revisions or modifications of the manure pollution prevention plan for review and approval at least 30-days prior to implementation.

   c. Comply with the plan and any modifications.

2. Manure pollution prevention plan content

Permittees must prepare, keep up to date, and implement a MPPP. The MPPP must specify the site-specific practices and procedures that:

a. Meet pollutant prevention performance objectives in Special Condition S1.B.

b. Ensure the storage and distribution of manure, litter, process wastewater, other organic by-products, and other sources of potential pollution related to the operation of Simplot Feeders does not cause or contribute to a violation of the groundwater quality standards.

3. Comply with applicable federal requirements in 10 CFR 122.42(e)(1).

4. Comply with Chapter 173-350-220 WAC, Table 220-A(5) specifications for management of agricultural wastes.

5. The MPPP must include a narrative description of how the CAFO will meet the performance objectives in Special Conditions S1 and, where applicable, drawings or diagrams of facility infrastructure, in accordance with the specifications in NRCS Conservation Practices for Waste Storage Facilities (Code 313) and Composting Facilities (Code 317).

6. The MPPP must have maps and/or aerial photos of the land application fields. All fields will be identified with a unique number or identifier that is used on all permit records and reports. The map will clearly indicate the location of the following items:

   a. Solid and liquid manure and process wastewater storage structures (e.g. pits, tanks, lagoons) including those used for moving liquid manure and process wastewater around the facility.

   b. Composting facilities including associated stormwater and runoff management systems.

   c. Feed storage (e.g. silage bunker) structures runoff and leachate management systems.

   d. Underground piping and surface conveyances for liquid manure and process wastewater.

   e. Electrical lines that control pumps or valves that if broken could result in uncontrolled flow of liquid manure or process wastewater.

7. Animal housing

8. Areas where animal mortalities are stored or managed on site if managed onsite, a description of compliance with Chapters 16-25, 16-68, and 246-203-121 WAC.

9. Direction(s) of runoff or overland flow in and around the production area.

10. Groundwater wells, noting their use (e.g. drinking, livestock watering, irrigation) and well tag number.
11. Areas that must not have manure, litter, process wastewater, or other organic by-products applied to them because application to those areas would result in a discharge.
12. Known tile drain inlets and outlets, if any.
13. Known swales or surface water features known to convey flows during storm events less severe than 25-year, 24-hour storm event.

Facility Information

The following documentation about the Permittee's facility must be included in the MPPP and kept up to date as changes are made to the facility.

a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.).

b. The maximum number of animals the current infrastructure was designed to manage and store manure, litter, process wastewater, or other organic by-products.

c. The total long term storage capacity for all manure, litter, feed, process wastewater, and other organic by-product storage structures (e.g. waste storage pond, above ground, or in ground storage tank, bunker, concrete storage pad). This does not include structures intended to only hold manure, litter, feed process wastewater, or other organic by-products on a temporary basis while pumping from one location to another or while processing the materials, for example, pits used for pumping liquid manure from one location to another or equipment/buildings used to process feed into a mixed ration.

S6. Lined Lagoon Engineering Design

1. The Permittee must prepare and submit an approvable Lined Lagoon Treatment System Engineering Design report in accordance with WAC 173-240 to Ecology for review and approval **by June 1, 2026.**
2. The report must contain any appropriate requirements to demonstrate treatment and lagoon storage capacity for wastewater generated from the feedlot operations, maintain dissolved oxygen levels of 8 mg/L and prevent infiltration of wastewater to groundwater through installation of a liner system.
3. The report will establish the loading and treatment capacity for flow, total coliforms, nitrogen, and BOD.

4. The Permittee must prepare and submit approvable plans and specifications for the construction of the linted treatment lagoons to Ecology for review and approval **within 120 days following Ecology approval of the Engineering Design Report**. In addition to the electric copy required by Special Condition S3.B the Permittee must submit one full size paper copy to Ecology for its use to the address listed in Special Condition S3.B. If the Permittee wants Ecology to provide a stamped approved copy it must submit an additional paper copy (total of two paper copies).

S7. Land Treatment System Engineering Design Report

No later than December 1, 2025, the Permittee must submit a Land Treatment System Engineering Design Report for the land treatment fields that receive treated liquid manure runoff for Ecology review.

The Report must contain an annual plan for each of the five years, 2025-2030. A soil scientist must prepare the Report, and it must conform to 'Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems', Ecology 1993.

The Report must include the limiting design wastewater constituent and define the treatment capacity of the site, the leaching requirement, estimated fertilizer requirements, and expected crop yields for each planned crop rotation. The Permittee must **submit a paper copy and must upload an electronic copy of the report** as outlined in Section S3 of this permit.

The plan must include the following information:

1. The design limiting factor(s)
2. The relevant test results from Section S2 of the permit.
3. The estimated **annual** total net nitrogen, water load capacity, total dissolved solids (TDS) and BOD_5 load to the field based on the estimated wastewater discharge and planned crop rotation.
4. A monthly and annual water balance for each field including the following calculations:
    a. Irrigation system efficiency and application uniformity.
    b. The quantity of supplemental irrigation water and wastewater applied.
    c. Crop consumptive use.
    d. Water stored in the soil profile outside the normal growing season.
    e. Salt leaching requirements.
    f. The estimated leaching fraction.
    g. The monthly design organic and nutrient mass loadings to each field.
    h. The annual nutrient balance.
    i. Crop management information including:

(i) The proposed crop rotation.

(ii) Cultivation and harvesting requirements.

(iii) Expected crop yields.

(iv) Methods of establishing and maintaining a healthy crop.

(v) Proposed schedule for herbicide, pesticide, and fertilizer application.

j. Irrigation management information including:

(i) The frequency and timing of wastewater irrigation water application (including harvest and non-harvest periods).

(ii) Recommended rest cycles for wastewater application where organic or hydraulic loading is of concern.

S8. Groundwater Quality Evaluation (Hydrogeologic Study)

The Permittee must evaluate the impacts of its activities on groundwater quality by completing the elements below, which include a scope of work for a groundwater quality evaluation study, a groundwater quality evaluation study, a report of study results, installation of a groundwater monitoring network, and ongoing monitoring.

1. **By August 1, 2026** the Permittee must submit a Scope of Work (SOW) to Ecology for a groundwater quality evaluation study at the wastewater application fields, the animal storage pens and the storage lagoons in accordance with WAC 173-200-080. The Scope of Work must conform to Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems, Ecology 1993 and the Implementation Guidance for the Ground Water Quality Standards, Ecology 2005.

2. Upon approval of the Scope of Work by Ecology, the Permittee must conduct a study to determine site-specific hydrogeologic conditions, well siting, quality control protocols, a sampling plan and sampling protocols referred to here as the Groundwater Monitoring Workplan. The Permittee must submit the Groundwater Monitoring Workplan **within six months** of approval of the Scope of Work.

3. **Within two months** after review and approval of the Groundwater Monitoring Workplan work plan by Ecology, the Permittee must begin construction of the groundwater monitoring network.

   a. The Permittee must construct wells in accordance with Chapter 173-160 WAC.

   b. Report to Ecology the tag numbers, latitude and longitude (NAD83/WGS84 datum), and top-of-casing elevations (NAVD88 datum) of each monitoring well.

c. After completion of the installation of the groundwater monitoring network, the Permittee must notify Ecology and begin monitoring according to the approved Groundwater Monitoring Workplan.

4. **By August 1, 2027,** the Permittee must submit a report summarizing the results of the study, interpretations of the data, conclusions, and recommendations, referred to here as the Groundwater Quality Evaluation Study Report.

S9. Emergency Response Plan

The Permittee must submit an Emergency Response Plan for Ecology review **by December 1, 2026.** The plan should identify processes and procedures to prevent or minimize potential impacts to human health and the environment in the event of a leak or catastrophic failure of a wastewater impoundment, transfer pipeline, or irrigation system. The plan shall also include a section on managing substantial livestock mortalities due to weather or animal disease that would require on site mortality management.

S9.A. Unanticipated wastewater discharges

1. Beginning on the effective date of this permit, the Permittee is authorized to discharge non-routine wastewater or unanticipated wastewater and therefore not listed on the permit application, on a case-by-case basis, if approved by Ecology. Prior to any such discharge, the Permittee must contact Ecology and at a minimum provide the following information:

    a. The proposed discharge location.

    b. The nature of the activity that will generate the discharge.

    c. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.

    d. The total volume of water it expects to discharge.

    e. The results of the chemical analysis of the water.

    f. The date of proposed discharge.

    g. The expected rate of discharge discharged, in gallons per minute.

2. The Permittee must analyze the water for all constituents limited for the discharge and report them as required by subpart 1.e above. The Permittee must also analyze for parameters listed in Table 3. The analysis must also include any parameter deemed necessary by Ecology. All discharges must comply with the effluent limits established in Special Condition S1 of this permit, water quality standards, and any other limits imposed by Ecology.

3. The Permittee must limit the discharge rate, as referenced in subpart 1.g above, so it will not cause erosion of ditches or structural damage to culverts and their entrances or exits.

4. The discharge cannot proceed until Ecology has reviewed the information provided and has authorized the discharge by letter to the Permittee or by an Administrative Order.

S9.B. Bypass procedures

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

Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances applies:

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions. The permit authorizes the bypass if it allows for essential maintenance and does not have the potential to cause violations of limits or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten days before the date of the bypass.
2. Bypass is unavoidable, unanticipated, and results in noncompliance of this permit. The permit authorizes such a bypass only if:
    a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
    b. No feasible alternatives to the bypass exist, such as:
        - The use of auxiliary treatment facilities.
        - Retention of untreated wastes.
        - Stopping production.
        - Maintenance during normal periods of equipment downtime, but do not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
        - Transport of untreated wastes to another treatment facility.
    c. The Permittee has properly notified Ecology of the bypass as required in Special Condition S3.F of this permit.
3. If bypass is anticipated and has the potential to result in noncompliance of this permit:
    a. The Permittee must notify Ecology at least 30-days before the planned date of bypass.

The notice must contain:

- A description of the bypass and its causes.
- An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
- A cost effective analysis of alternatives including comparative resource damage assessment.
- The minimum and maximum duration of bypass under each alternative.
- A recommendation as to the preferred alternative for conducting the bypass.
- The projected date of bypass initiation.
- A statement of compliance with SEPA.
- A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
- Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during the project planning and design process. The project specific engineering report or facilities plan 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 consider the following prior to issuing an approval for this type of bypass:

    - If the bypass is necessary to perform construction or maintenance related activities essential to meet the requirements of this permit.
    - If feasible alternatives to bypass exist, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
    - If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.

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

S9.C. Spill control requirements

1. Include spill control plans for the prevention, containment, and control of spills or unplanned releases of pollutants in the Emergency Response Plan that describes:
    a. Preventative measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
    b. The Reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
    c. Operator training to implement the plan.
2. Follow the plan and any supplements throughout the term of the permit.
3. Review the plan at least annually and update the spill plan as needed.
4. Send changes to the plan to Ecology for review.
5. 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.

S10. Application for permit renewal or modification for facility changes

The Permittee must submit an application for renewal of this permit **by (insert date one year from expiration).**

The Permittee must also submit a new application or addendum at least 180 days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

REFERENCES

Ecology. (1993). *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems.* Retrieved from https://apps.ecology.wa.gov/publications/documents/9336.pdf

Ecology. (2004). *Information Manual for Treatment Plant Operators, Publication 04-10-020.* Retrieved from https://apps.ecology.wa.gov/publications/SummaryPages/0410020.html

Ecology. (2005). *Implementation Guidance for the Ground Water Quality Standards.* Retrieved from https://apps.ecology.wa.gov/publications/SummaryPages/9602.html

Ecology. (2023). *Criteria for Sewage Works Design, Publication 98-37 (Orange Book).* Retrieved from https://apps.ecology.wa.gov/publications/SummaryPages/9837.html

Miller, R. O., Gavlak, R., & Horneck, D. (2013). *Western States Laboratory Plant, Soil and Water Analysis Manual, Soil, Plant and Water Reference Methods for the Western Region.* Retrieved from https://www.naptprogram.org/files/napt/publications/method-papers/western-states-methods-manual-2013.pdf

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 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 a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

        Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity 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 the overall operation of the facility, a new authorization satisfying the requirements of paragraph G1.2, above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section must make the following certification:

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

G2. Right of entry

Representatives of Ecology have the right to enter at all reasonable times in or upon any property, public or private for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times include normal business hours; hours during which production, treatment, or discharge occurs; or times when Ecology suspects a violation requiring immediate inspection. Representatives of Ecology must be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. Permit actions

This permit is subject to modification, suspension, or termination, in whole or in part by Ecology for any of the following causes:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.
4. A material change in the condition of the waters of the state; or
5. Nonpayment of fees assessed pursuant to RCW 90.48.465.

Ecology may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. Reporting a cause for modification

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 the discharge of more of any pollutant, a new pollutant, or more flow than specifically authorized under this permit.

The Permittee must submit a State Waste Discharge permit application, along with required plans and reports. Required plans and reports may include an Engineering Report, Plans and Specifications, and an Operations and Maintenance manual, (see Chapter 173-240 WAC). The Permittee must continue to comply with the existing permit until it is modified or reissued. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. Plan review required

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

G6. Compliance with other laws and statutes

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

G7. Transfer of this permit

This permit is automatically transferred to a new owner or operator if:

1. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to Ecology.
2. A copy of the permit is provided to the new owner; and
3. Ecology does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to conditions 1-3 above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

G8. Payment of fees

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G9. Penalties for violating permit conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of 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 every such violation. Each such violation is a separate and distinct offense, and in case of a continuing violation, each day's continuance is deemed to be a separate and distinct violation.

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. Duty to comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of chapter 90.48 RCW and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.