


WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Water Quality Program Annual Compliance Report

Calendar Year 2006

**December 2007
Publication 08-10-006**

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Water Quality Program Annual Compliance Report


Calendar Year 2006

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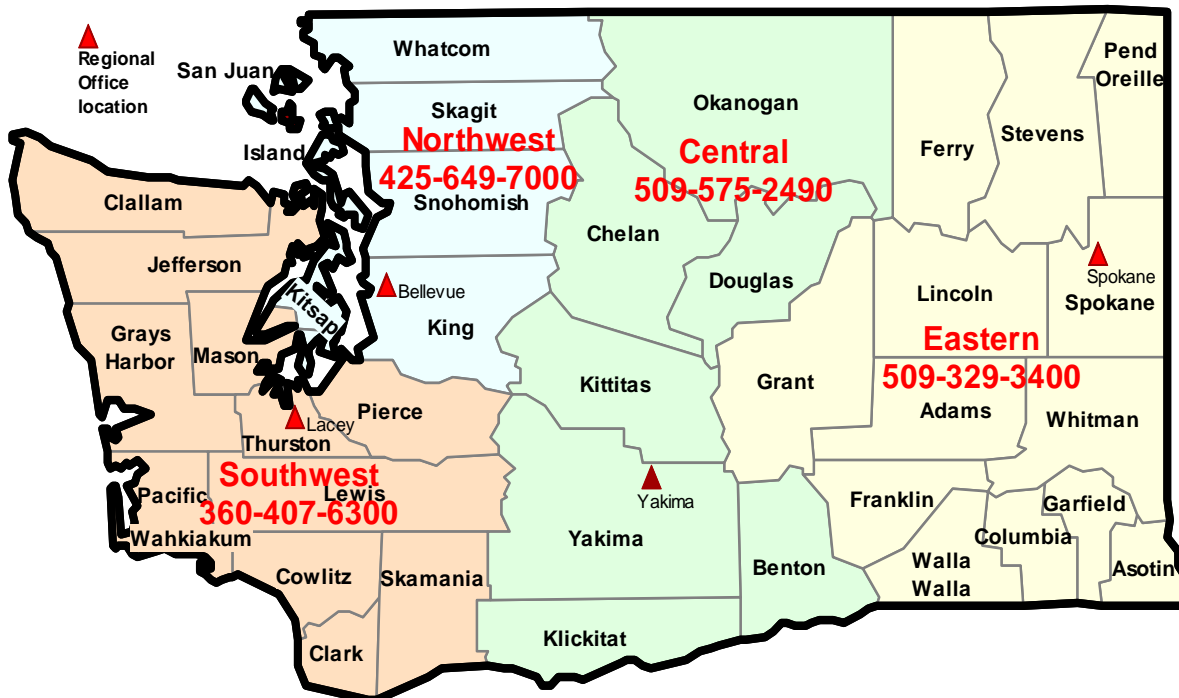
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Executive Summary

This report represents a summary of compliance with water quality laws for calendar year 2006. The Washington State Department of Ecology's (Ecology) Water Quality Program regulates public and private activities discharging to waters of the state that contribute to or cause pollution. The report provides an overview of the Water Quality Program. It discusses point source and nonpoint source pollution. It also explains both permit-related activities of the program and activities where compliance is sought through non-permitting means such as technical assistance, inspections, education, and enforcement.

Ecology hopes that this report informs the agency as well as the public. This report follows the format used for calendar years 2002, 2003, 2004, and 2005 except for separating out the data for the general permits. We look forward to receiving constructive comments from people who use this information in an effort to improve reports in future years.

Washington State has over 768 industrial and municipal facilities that are issued individual permits to protect water quality. Ecology issues the permits to allow the industrial or municipal facilities to manage pollution that may be safely discharged to lakes, rivers, marine, or ground waters. Federal or state regulation requires about half of those facilities to provide monthly, quarterly, or annual Discharge Monitoring Reports (DMRs) about their discharge.

Those reports and inspections by Ecology showed that, in 2006, Washington had an approximate 97 percent compliance rate for water quality protection. The compliance rate is similar to recent years.

In 2006, the number of permits managed by staff continued to increase. There was a slight increase in the total number of permits while our enforcement staffing level remained the same.

Between 1997 and 2006, Ecology slightly reduced the time from the date of a violation to the date Ecology issued an enforcement action in response to the noncompliance.

The compliance rate for industrial facilities in calendar year 2006 remained close at 98.4 percent for DMRs. Ecology closely tracks the number of facilities with five or more violations per year. Out of the 100 facilities with five or more violations, 31 facilities (31 percent) did not have some form of documented compliance action or enforcement. This is a reduction of 11 percent from calendar year 2002.

Municipal facilities' compliance rate with their DMRs increased to 97.9 percent. Approximately 38.5 percent of facilities had five or more violations. Of the 119 municipal facilities that violated their permits five or more times, 22.7 percent of the facilities did not receive documented compliance action or enforcement.

The facilities covered by general permits that are required to submit DMRs (908 facilities), reported a 96.1 percent compliance rate with permit requirements. For the 103 facilities (7.8 percent) with five or more violations, Ecology documented compliance or took 175 formal or informal enforcement actions. However, 36.9 percent of the facilities with five or more violations had no documented action taken.

In summary, for calendar year 2006, the total number of facilities under general permits continued to increase while incrementally the same number of staff resources was dedicated to ensuring compliance at these sites. The compliance rate remained high for municipal and industrial facilities with individual permits based on the data in DMRs. The number of industrial facilities with five or more violations decreased. Ecology took more than 1,567 compliance or enforcement actions on facilities with permits.

The Water Quality Program in Washington

Introduction

Water quality in the state of Washington is protected by a number of different government agencies. Federal, state, county, and local city governments all work together to protect our waterways. The U.S. Environmental Protection Agency (EPA) provides oversight to the National Pollutant Discharge Elimination System (NPDES) permit program and is directly responsible for water quality issues on federal and tribal lands. The Washington State Department of Ecology (Ecology) issues permits for discharges that go directly into state surface and ground waters. Ecology also provides various levels of guidance, oversight, and direct enforcement on a wide range of other activities with the potential to harm the state's waterways. County and city governments protect state waters by ensuring the proper planning, design, and construction for land development activities in their own jurisdictions. Frequently, these governments engage in other projects to protect and enhance our lakes, streams, and rivers. Ecology's regulatory role is reviewed below.

Regulatory authority

Authority for Ecology to regulate state and federal water pollution is contained in Chapter 90.48 RCW (Revised Code of Washington). The state of Washington began a formal pollution control program in 1945 with the creation of the Pollution Control Commission and enactment of Chapter 90.48 RCW. Washington adopted a wastewater discharge permit system in 1955. In 1971, Washington passed the Pollution Disclosure Act of 1971 (Chapter 90.52 RCW), which required that all dischargers provide a high level of wastewater treatment regardless of the quality of water to which they discharged (technology-based control). In 1972, the federal government also adopted a similarly principled law called the Water Pollution Control Act Amendments of 1972 (PL 92-500). Despite the name (amendments), it was essentially a new law. Since 1977, these amendments have been popularly called the Clean Water Act (CWA or the Act"). In conjunction with our state laws, the Act forms the basis and framework for our water quality regulatory program today (Appendix Table 1). In 1973, Washington State's Water Pollution Control law (Chapter 90.48 RCW) was amended to enable the state to apply to EPA for authority to administer the NPDES program. In November of 1973, Washington became one of the first states to be delegated by the federal government to administer the NPDES program.

Point source pollution

A wastewater discharge permit is a legal document issued by Ecology to control the discharge of wastewater to surface waters and ground waters. Surface water discharges are issued NPDES permits under Chapter 173-220 WAC. Groundwater discharges are issued state waste discharge permits under Chapter 173-216 WAC. Groundwater discharge permits are our state waste discharge permits. Individual permits place limits on the quantity and concentrations of contaminants that may be discharged. Individual permits require treatment of wastewater or impose other operating conditions on dischargers to ensure that permit limits are met and water quality is protected. Individual permits may also set other conditions and requirements, including monitoring, reporting, spill prevention planning, and other activities.

One key element of the permit program is the concept of “self monitoring.” Permit holders are required to representatively sample, accurately test, and truthfully report the quality of the wastewater they discharge. Ecology oversees permit compliance through its laboratory accreditation program, site inspections, review of submitted monitoring data, and review and approval of other permit-required documents.

Types of wastewater permits

There are two types of wastewater discharge permits. They are “individual permits” and “general permits.” Both approaches are designed to satisfy the requirements for discharge permits under both the federal Clean Water Act and the state law governing water pollution control. They differ in how they define and resolve the wastewater issues of dischargers and how Ecology manages a permit. Extensive information on the permit writing process and related issues can be found at the Ecology website at www.ecy.wa.gov/programs/wq/permits/index.html

Individual permit

An individual permit is written for a single facility. In general, municipal wastewater treatment plants and businesses with industrial processes that generate wastewater are issued individual permits. Permit issuance includes writing a description of the individual facility (its processes and discharge characteristics) in a “fact sheet.” This evaluation of the facility and legal requirements leads to a permit that specifies discharge limits, monitoring, and reporting requirements tailored to the individual facility. This allows a more precise fit between discharge characteristics and permit requirements, but it can be time consuming and expensive. This approach is best suited to permits for facilities that have little in common with other facilities and facilities that have unique processes and environmental concerns. Individual permits may be NPDES permits or state waste discharge permits. There were 768 active individual permits in Washington in 2006, and of these more than half are NPDES permits. There are copies of several individual permits and fact sheets that can be found at the Ecology website at www.ecy.wa.gov/programs/wq/permits/index.html

General permit

A general permit is written for a group of facilities that are very similar in processes and wastewater characteristics. When enough facilities with similar production processes generate similar pollutants, Ecology considers establishing a general permit. Such permits have one fact sheet that describes the group of facilities as a whole and the general characteristics of the wastewater. A single permit is written for all facilities that meet the requirements for coverage under the general permit. This approach is best suited to a group of facilities that have much in common, in which a standard set of requirements will achieve environmental protection. General permitting has been considered to be the less expensive and time-consuming approach; however, recent data indicate costs of permit development and implementation are higher than originally envisioned. In developing general permits, Ecology publishes information about the general permit in the state register. In addition, Ecology typically holds public workshops and hearings on new general permits. The types of general permits currently in effect are noted in Table 2 an extended table with permit definitions is in the Appendix.

Water Quality Permits as of December 31, 2006

| PERMIT TYPE | TOTAL ACTIVE PERMITS |
|--|----------------------|
| NPDES Major | 79 |
| NPDES Minor | 348 |
| State to Ground Water | 172 |
| State to POTW (publicly-owned treatment works) | 169 |
| NPDES Stormwater Construction General Permit | 2204 |
| NPDES Industrial Stormwater General Permit | 1243 |
| Municipal Stormwater General Permit | 7 |
| Boatyard General Permit | 95 |
| Dairy General Permit | 39 |
| Fish Hatchery General Permit | 79 |
| Fresh Fruit Packer General Permit | 186 |
| Water Treatment Plant General Permit | 31 |
| Sand and Gravel General Permit | 924 |
| Aquatic Pesticides General Permit | 122 |

Cruise operations in Washington State

Large cruise ships have been transiting Washington waters since 1999. On April 20, 2004, a Memorandum of Understanding (MOU) between Department of Ecology, the Northwest Cruise Ship Association (NWCA), and the Port of Seattle was signed. The MOU covers only the large passenger ships that are members of the NWCA. It does not cover ships such as the Alaska Marine Highway ferries, shipping vessels, or any of the small passenger ships or boats. The MOU bans all cruise-ship wastewater discharges (black and gray water), except from vessels with advanced wastewater treatment systems (AWTS). In addition, the MOU provides for other elements:

- Sludge from any type of wastewater treatment system may be discharged only when a ship is more than 12 nautical miles from shore, and it is specifically prohibited from being discharged within the Olympic Coast National Marine Sanctuary.
- The MOU specifies a sampling regimen, testing and reporting requirements, and it requires advanced notification and documentation from ships planning to discharge via an AWTS.
- Cruise ships will comply with Washington's more restrictive hazardous-waste laws and they will not dump garbage into state waters and will discharge oily bilge water per regulation.

The goal of the MOU was to increase protection for Washington's marine waters from cruise-ship waste. The MOU continues to be a key tool in protecting water quality by having requirements in place to allow discharges only from advanced wastewater treatment systems, allowing for inspections to verify compliance, and building communication with the cruise lines and vessel staff on requirements of the MOU.

The majority of the lines and vessels operating with the MOU had a successful season and were in compliance throughout. The sampling results continue to show excellent effluent quality. In 2006, major non-compliance was discovered in regards to the Celebrity Cruises Inc. MERCURY vessel and a fine was issued of \$100,000 (paid) for discharges of untreated graywater and partially treated blackwater into waters of the State.

Nonpoint source pollution

Nonpoint source (NPS) pollution is pollution that enters a water body from water-based or land-use activities, including atmospheric deposition; surface water runoff from agricultural lands, urban areas, and forest lands; subsurface or underground sources; and discharges from boats or other marine vessels. Sometimes NPS pollution can be traced to several sources - sometimes it cannot be traced at all. Nonpoint source water pollution is recognized as a growing threat to the environment and public health.

Washington State has been a leader in addressing NPS pollution for many years. We already have many tools to achieve clean water through nonpoint source management. Some are regulatory, while the majority are voluntary programs. Watershed planning efforts have addressed problems in many parts of the state, using innovative approaches to management and funding. These innovative approaches may be hampered by the high cost of remedying existing problems, local land use decisions, the lack of multi-agency coordination and focus, and the lack of information concerning watershed processes and conditions.

More information on NPS pollution and Ecology's efforts to combat it can be found at www.ecy.wa.gov/programs/wq/nonpoint/index.html#Overview.

Enforcement

The CWA and the state Water Pollution Control Act place the responsibility to comply with water quality laws and regulations on the facilities discharging. The Water Quality Program generally uses escalating levels of enforcement to bring facilities into compliance. This escalation may begin with technical assistance and progress through issuance of an order or civil penalty. Formal enforcement is just one of many compliance tools and is often not necessary to achieve compliance. When compliance actions are necessary, the following factors are taken into consideration:

- Seriousness of the violation
- Behavior of the discharger
- Program resources available for compliance
- Threat to environment
- Compliance history

Water Quality Program staff perform their enforcement and compliance duties in accordance with a variety of federal and state laws and regulations. Ecology's Water Quality Program intends to respond to all permit violations.

Water Quality enforcement guidelines

The Water Quality Program ensures that a consistent statewide approach to compliance and enforcement activities is taken by following Ecology's *Compliance Assurance Manual*. These guidelines detail the principles and procedures followed in addressing violations. The manual describes various formal and informal tools available to staff as well as the proper use of each compliance tool.

Staff members are alerted to violations through a number of mechanisms. As required by the permit, permittees submit monitoring reports and non compliance notification reports, allowing permit staff to determine compliance. Wastewater monitoring results, usually submitted monthly or quarterly are reviewed by Ecology staff. Ecology staff also identify violations or other compliance problems during the review of engineering reports, field inspections, and complaints. Depending on the severity of a violation or series of violations, staff respond by using either informal or formal enforcement tools which are described below.

Informal tools

When a violation is detected, Water Quality staff gather initial information through inspections, documented phone calls, or letters. The violation may result in a warning letter, technical assistance, or both. Permitted dischargers submit their Discharge Monitoring Report (DMR) and a discussion of the cause of any violation and actions taken to stop and prevent further violations. Both the compliance/enforcement staff and facility managers use these informal tools to gain compliance. Compliance problems may also be addressed through the review and approval of engineering reports throughout the five-year permit cycle and during the permit renewal process.

Formal tools

Compliance/enforcement specialists initiate formal enforcement for serious violations. This formal process may begin with the issuance of a Notice of Violation (NOV). The NOV requires

the violator to provide Ecology with information on the steps that the permittee has taken to resolve a compliance problem. Upon learning more about a violation and the follow-up actions taken by the violator, Ecology may issue an administrative order directing the violator to take specific actions to protect water quality. Ecology may issue a penalty of up to \$10,000 per day, per violation based upon environmental and human health impacts, past compliance with water quality law, and other factors. Ecology may also consider criminal actions against violators.

The appeal process

Administrative orders and penalties may be appealed to the state Pollution Control Hearings Board (PCHB) for adjudication. The PCHB is a quasi-judicial hearings board established in 1970 to provide a more efficient procedure to handle appeals (Chapter 43.21B RCW). You may learn more about the PCHB at www.eho.wa.gov/Boards_PCHB.aspx. Individuals receiving a penalty can petition Ecology directly within 30 days to eliminate, reduce, or mitigate the size of the penalty.

Certification programs to protect the environment

Washington State recognizes the importance of having good scientific data on which to base environmental decisions as well as the need for trained treatment plant operators in key positions that protect the environment. To accomplish this, Ecology established an accreditation program for environmental laboratories and a certification program for operators of municipal wastewater treatment facilities. These two efforts contribute significantly to the state's environmental compliance efforts by assuring that operators are qualified to run facilities and that samples processed by labs are accurate, consistent, and meet the data quality objectives.

Operator certification

Municipal wastewater treatment operators must undergo an in-training period and pass written tests to become certified to operate facilities. Operators must obtain continuing education credits to maintain certification. The certification program has an external advisory board comprised of 11 members.

Environmental laboratory accreditation

Ecology regularly inspects environmental laboratories through Ecology's Environmental Laboratory Accreditation Program. All laboratories performing tests to meet state permit requirements must participate in a program of laboratory performance inspections and regular testing of performance evaluation samples to cross-check the accuracy of their laboratory analyses. Those laboratories that cannot pass Ecology's accreditation process are required to use accredited laboratories. You can find more information on the accreditation program and a list of approved laboratories at Ecology's website:

www.ecy.wa.gov/programs/eap/labs/labs_main.html.

Technical assistance

Water Quality Program staff offer technical assistance to permitted dischargers and others in the regulated community as an important function shared by all program staff. Staff members frequently work with permittees to prevent violations through the proper design of facilities and the development of corrective action strategies.

Municipal roving operators

Ecology's Water Quality Program has entered into a partnership with the EPA to provide direct assistance to smaller municipal wastewater treatment plants through the use of two roving outreach specialists. These specialists travel from plant to plant in response to facility requests for assistance. They help ensure compliance with water quality laws and more effective plant operations. One outreach specialist serves facilities located on the west side of the Cascade Mountains and one serves facilities on the east side of the mountains.

Facility managers

Ecology facility managers have a number of important responsibilities, including writing wastewater discharge permits, helping municipal permittees with questions regarding state grant and loan programs, reviewing reports, and performing facility inspections. Facility managers answer questions via telephone and e-mail about water quality regulations. They meet with permit holders providing valuable assistance in their daily interactions with the permittees and community stakeholders.

Monitoring water quality compliance

Effluent limits

Ecology establishes effluent limits and monitoring requirements in permits it issues to point source dischargers. Effluent limits cap the amount of a particular pollutant that can be legally discharged by a regulated facility. Effluent limits are derived in two ways: (1) technology-based effluent limits are based on the reasonable achievable level of wastewater treatment, and (2) water quality-based effluent limits are derived to prevent exceedance of water quality standards in the receiving water. Ecology expects full compliance with the effluent limits in the permits it issues.

Understanding compliance rates

A compliance rate represents the number of effluent limits in compliance, as a percent of the total "opportunities" for compliance. Opportunities are the number of effluent limits multiplied by the number of days reported within a given time frame. The compliance rate used in this report represents only one measure of environmental compliance, and the measure has its limitations. For instance, a higher compliance rate may not reflect the severity of environmental damage caused by the violations. Also, this compliance rate does not take into account violations of the permit that are not permit limits, for example spill or narrative requirements.

Enforcement resources vs. duties

In the early 1990s, Ecology changed the manner in which it performed compliance and enforcement by creating positions solely responsible for performing formal enforcement. Previously, permit writers and inspectors were responsible for all aspects of permit management, including compliance and enforcement. In order to effectively manage workloads and provide an objective analysis, Ecology dedicated 6.3 enforcement staff members in the four regions.

Ecology recently gained stormwater inspectors who performed compliance and enforcement functions (Figure 1). As a result, other nonpoint source staff occasionally performs enforcement as part of their job.

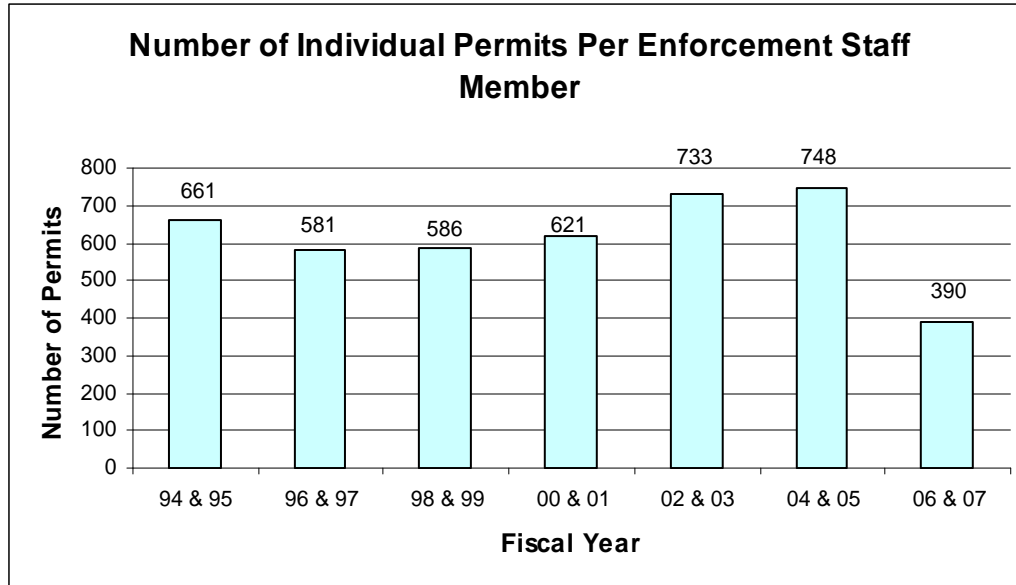


Figure 1

How the program is delivered

The Water Quality Program delivers its services through Ecology's four regional offices (northwest, southwest, central, and eastern regions) and through the Industrial Section of the Solid Waste Program. The Industrial Section is located at Ecology's headquarters offices.

The Industrial Section manages environmental permitting and compliance for the large industrial facilities of the state. These facilities include the oil, aluminum, and pulp and paper industries; several chemical manufacturers; and a variety of small industries associated with these larger industries, such as co-generation facilities. Although the Industrial Section is not within the Water Quality Program, it uses the guidelines that are developed for water quality permits. The industrial section not only writes the water quality permits but, depending on the type of facility, also prepares for permits air emission units and hazardous and solid waste facilities.

Ecology's four regional offices deliver all other water quality services for point and nonpoint sources within the state. The four regions are identified in the front cover of this report. The work is further divided within each region into municipal and industrial dischargers. In some cases a general permit may be issued from the Ecology headquarters; however, compliance and enforcement for these sites are the responsibility of the regions.

How timely is the program

One measure of program effectiveness is the time required to issue an enforcement action after detection of a violation. Generally, enforcement actions or compliance responses should be taken within 45 days of the date of detection of the violations. Initial formal enforcement action (including penalties and administrative orders) should be taken as soon as possible, but no later than 90 days from the date of violation detection, unless adequate justification for delay exists. For significant violations, formal enforcement response must be taken as expeditiously as possible, but no later than 30 days from date of detection. The timeliness of enforcement action is based on a pattern of recurring behavior after technical assistance has been provided is difficult to measure. Ecology staff work to develop performance measures that will more accurately reflect the effectiveness of the program.

Industrial Facility Compliance

Permit universe/complexity

A wide variety of industries and businesses that discharge pollutants to state waters are required to obtain a wastewater discharge permit. This includes large industries such as oil refineries, aluminum smelters, and pulp and paper processors. Individual permits may also be required for smaller industries such as food processors, metal finishers, and circuit board manufacturers. Businesses whose waste is essentially the same character and strength of household waste that discharge to a wastewater treatment plant (WWTP) do not need a permit. Figure 2 identifies the number of facilities with individual permits managed by each region and the industrial section between 2002 and 2006.

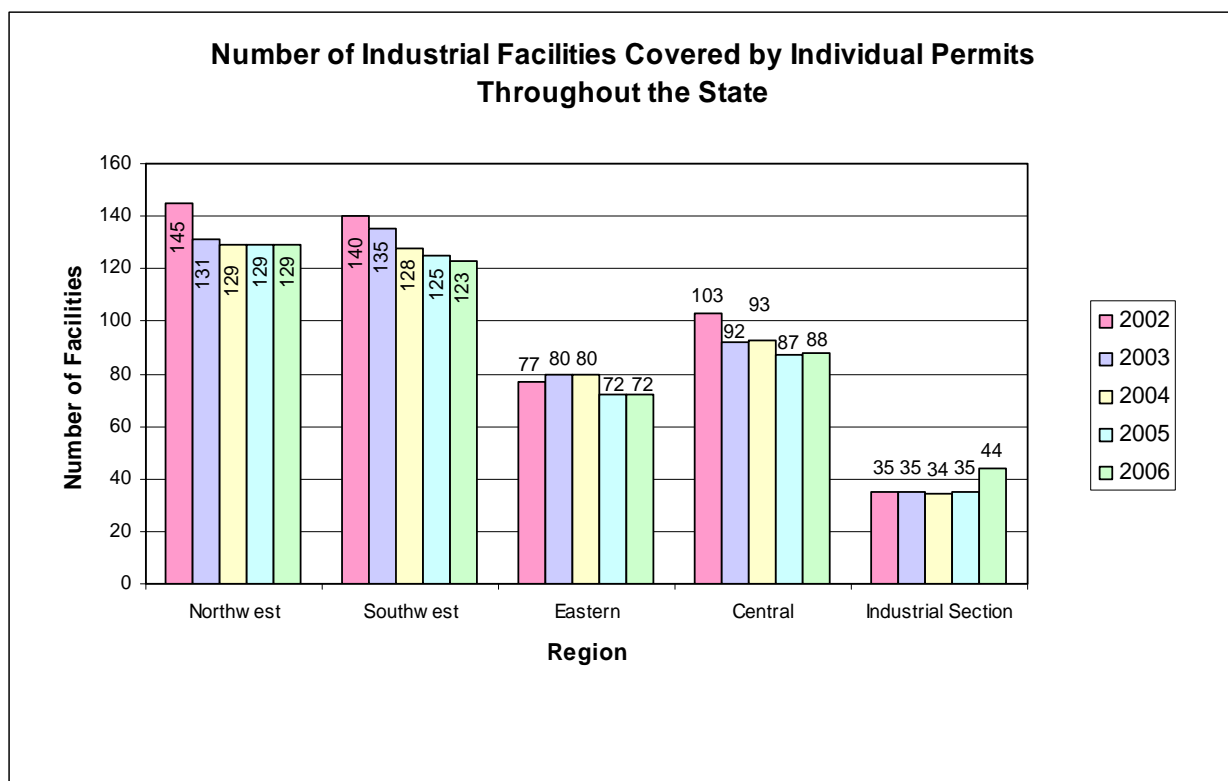


Figure 2

Effluent testing varies greatly among industrial facilities. The scope and frequency of testing is based largely upon the size and complexity of an industry and its potential to harm the environment. Some facilities may conduct only quarterly testing, whereas more complex facilities have daily monitoring requirements. Unlike operators at municipal wastewater treatment plants, the operators of treatment equipment at industrial facilities are not required to be certified by the state.

Ecology facility managers ensure compliance at the permitted facilities they manage by working collaboratively with regional enforcement staff. Facility managers may use the various enforcement tools such as those available under Chapter 90.48 RCW, as well as “informal”

enforcement tools consisting of technical assistance calls and visits, warning letters, and Notices of Correction.

What violations occurred

Figure 3 shows that there were 21,314 more compliance opportunities in 2006 than in 2002. Even so, 83 fewer violations exceeded 20 percent of the permitted effluent limit in 2006 than in 2002.

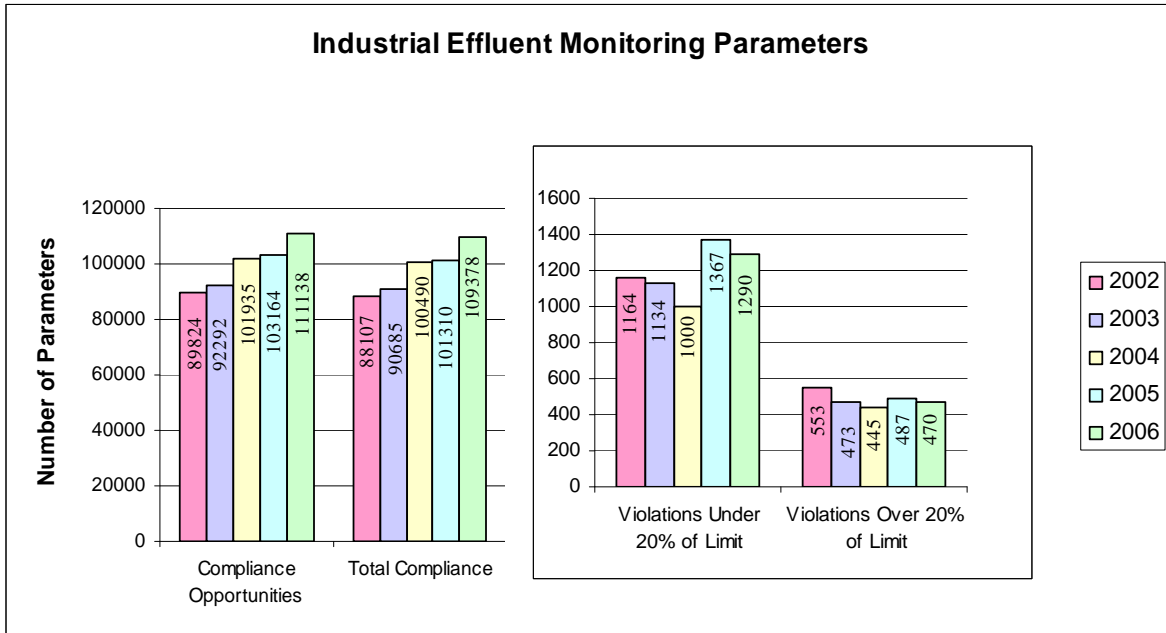


Figure 3

The northwest, southwest, and eastern regions had the lowest industrial compliance rate at 98 percent (Figure 4).

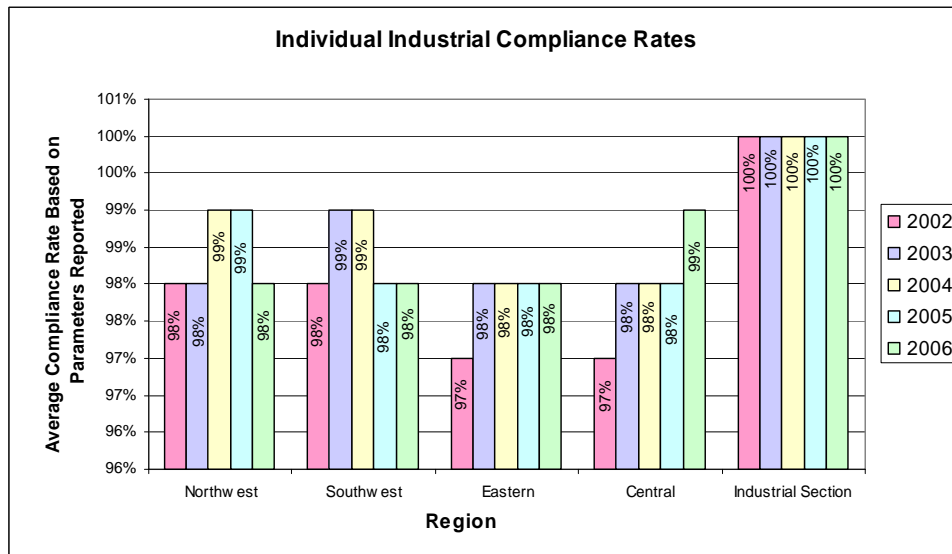


Figure 4

Statewide the compliance rate has increased over the last five years. In 1995, the industrial compliance rate was 89.5 percent compared to the 2006 compliance rate of 98.4 percent, an increase of nearly 10 percent in compliance over ten years (see Figure 5).

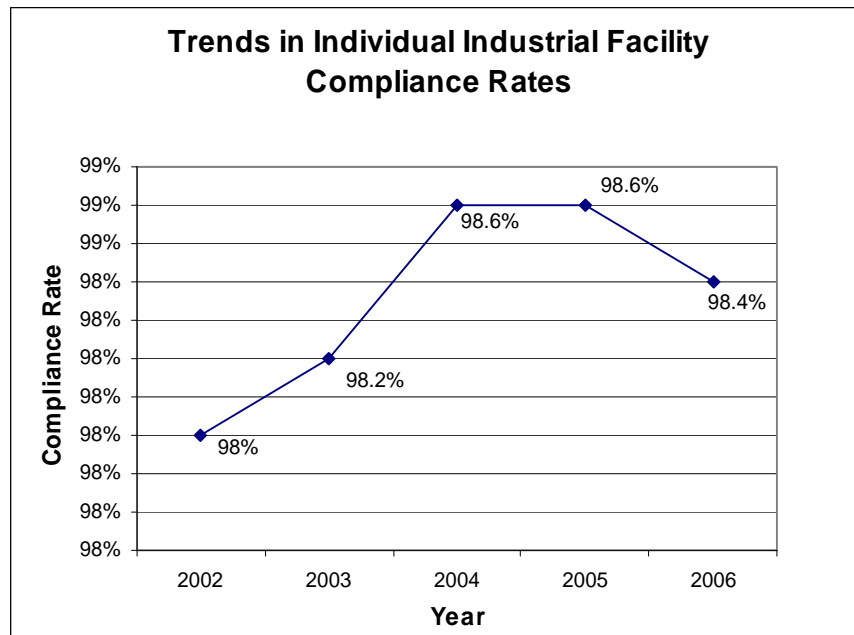


Figure 5

Figure 6 shows that 400 industrial facilities were required to submit DMRs in 2006, a decrease of 5 facilities from 2002. Despite the decrease of facilities submitting DMRs by 5, the numbers of facilities with five or more violations increased from 93 in 2002 to 100 in 2006, an increase of 7 facilities.

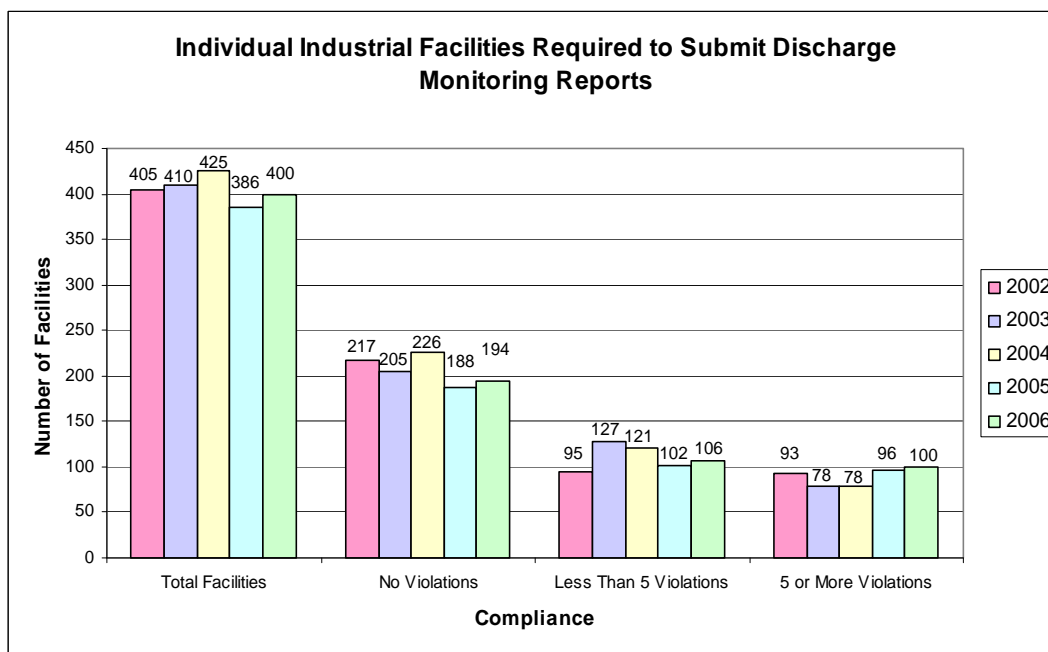


Figure 6

Ecology focuses on facilities with five or more violations as one indicator of repeat violators, with a goal of decreasing the number of these facilities. The Southwest Regional Office had the greatest number of individually-permitted industrial facilities. Of these, 20 percent had five or more discharge violations during the calendar year 2006. Of the 66 industrial facilities required to submit DMRs in the eastern region, 45 percent had five or more discharge violations (Figure 7). The central region reduced the percentage of facilities with five or more violations from 34 percent in 2002 to 28 percent in 2006.

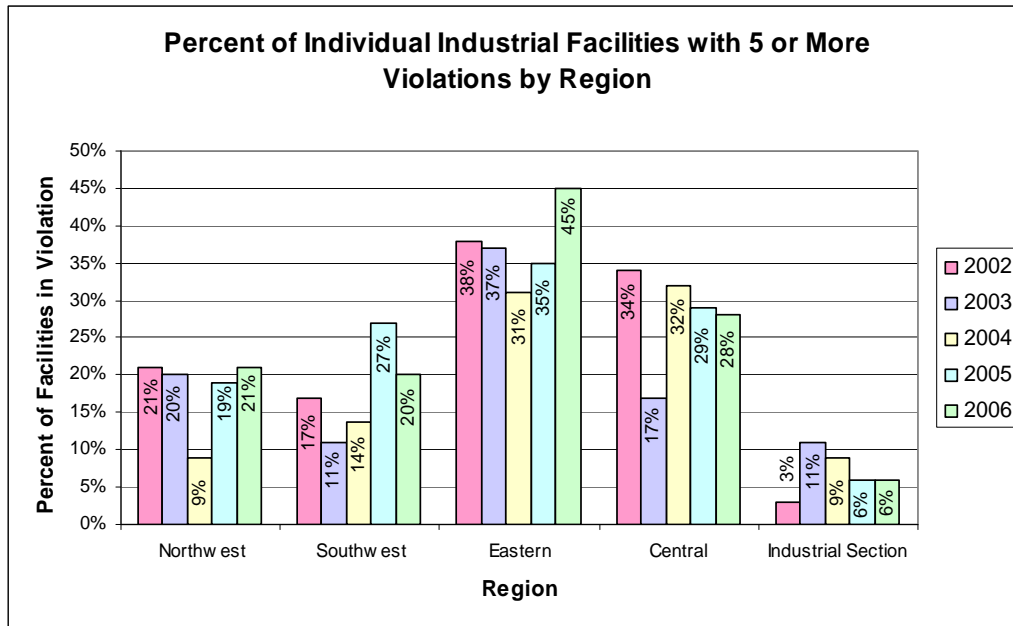


Figure 7

What actions were taken

In 2006, Ecology took 365 formal and informal enforcement actions to improve industrial facility compliance.

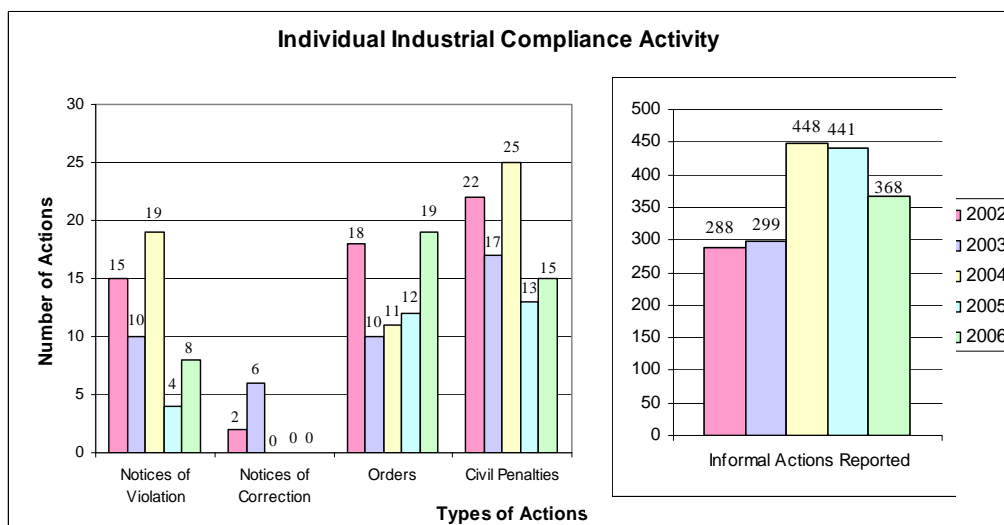


Figure 8

Of the 100 facilities that reported five or more violations Ecology took the following action:

- 11 formal actions
- 174 informal actions
- 31 facilities received no enforcement action (see Figure 9).

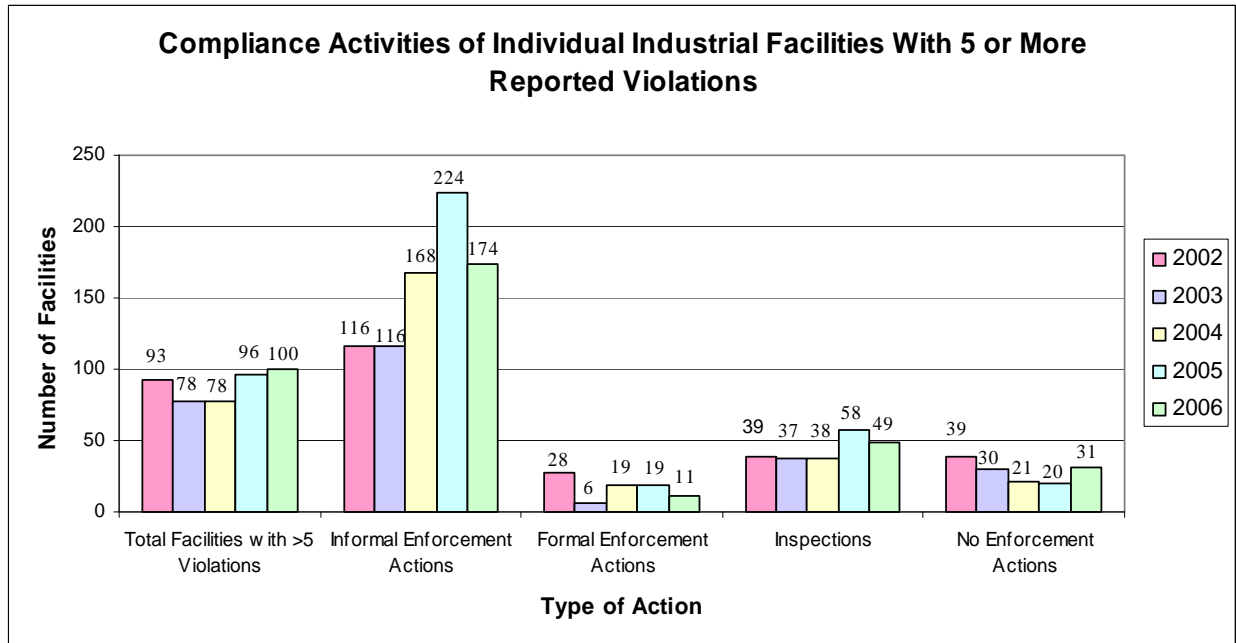


Figure 9

Municipal Facility Compliance

Permit universe/complexity

Municipal wastewater treatment plants (WWTPs) that discharge to surface waters, apply wastewater to land, or discharge more than 14,500 gallons per day (gpd) to subsurface waters are required to have a permit to discharge.

WWTPs use a combination of biological, physical, and chemical processes to treat the wastewater generated in homes and businesses. The size of WWTPs varies from small communities to large cities. Washington State has a total of 320 WWTPs that are designed to treat from 1,200 to more than 215 million gallons per day (mgd). The greatest numbers of municipal facilities are located in the eastern and southwest regions (see Figure 10).

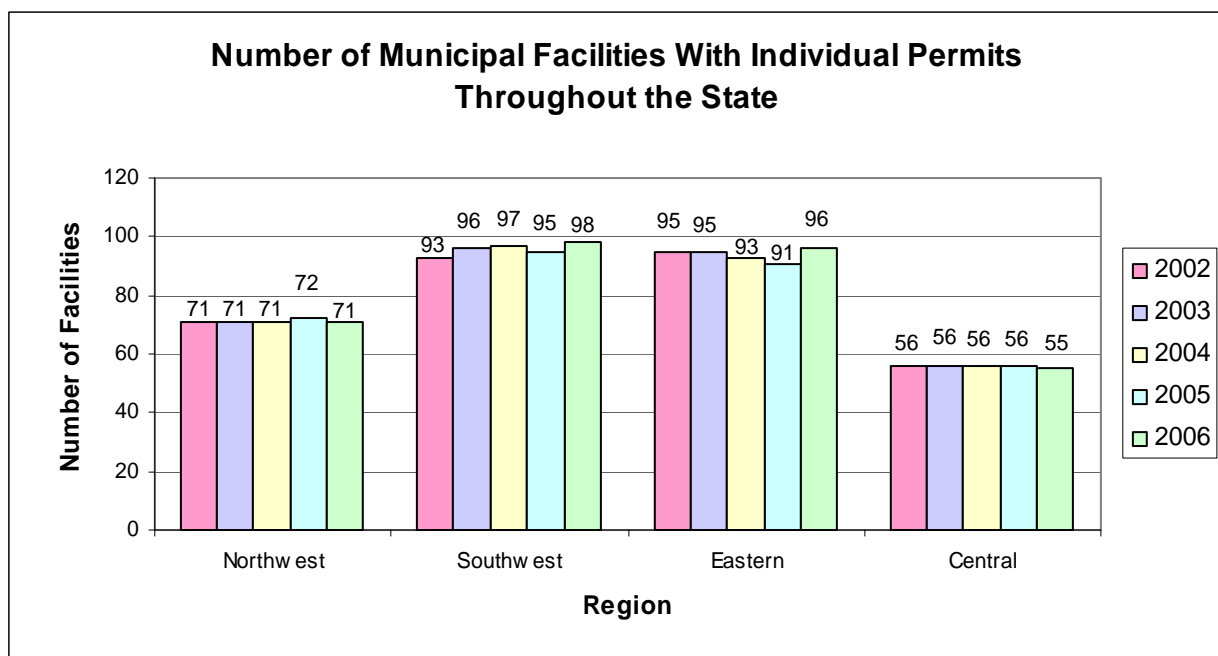


Figure 10

On average, each person generates between 70 and 100 gallons of wastewater per day. Local government (for example, city, county, or local sewer district) operates most municipal WWTPs. Smaller numbers of plants are operated by state agencies (for example, correction centers, state parks), private communities, and private businesses.

WWTPs vary in complexity based on differences in the number and type of mechanical components and processes at each facility. However, due to the similar nature of the wastes, the types of monitoring conducted at facilities are generally the same. Small facilities typically perform a minimum of 60 laboratory tests per month on the treated wastewater, whereas a larger facility may perform well over 120 analyses per month. In addition, these WWTPs must also perform internal process control tests and may perform biological studies to ensure their discharges comply with state laws and regulations. For most facilities, Ecology's compliance

and enforcement staff and permit managers review data on a monthly basis and conduct periodic inspections.

Two dedicated Ecology positions provide technical assistance statewide to small facilities on request. Although these staff cannot perform enforcement, they are required to report any compliance problems they observe during their technical assistance visits. As with other permitted facilities, the majority of compliance activities involve phone calls, e-mails, warning letters, technical assistance, engineering review and assistance, and inspections.

Ecology may impose sewer moratoria on overloaded wastewater treatment plants that are unable to comply with permit requirements. Moratoria, or sewer connection bans, prevent or limit hookups to a sewer system when the system exceeds its capacity or receives more waste than it was designed to treat. During 2006, there were 7 moratoria in place statewide.

What violations occurred

For individual municipal facilities the number of compliance opportunities increased from 2002 to 2006 by 19,912. Compliance increased proportionally. The number of violations that exceeded 20 percent of the permitted limits decreased in 2006 (Figure 11).

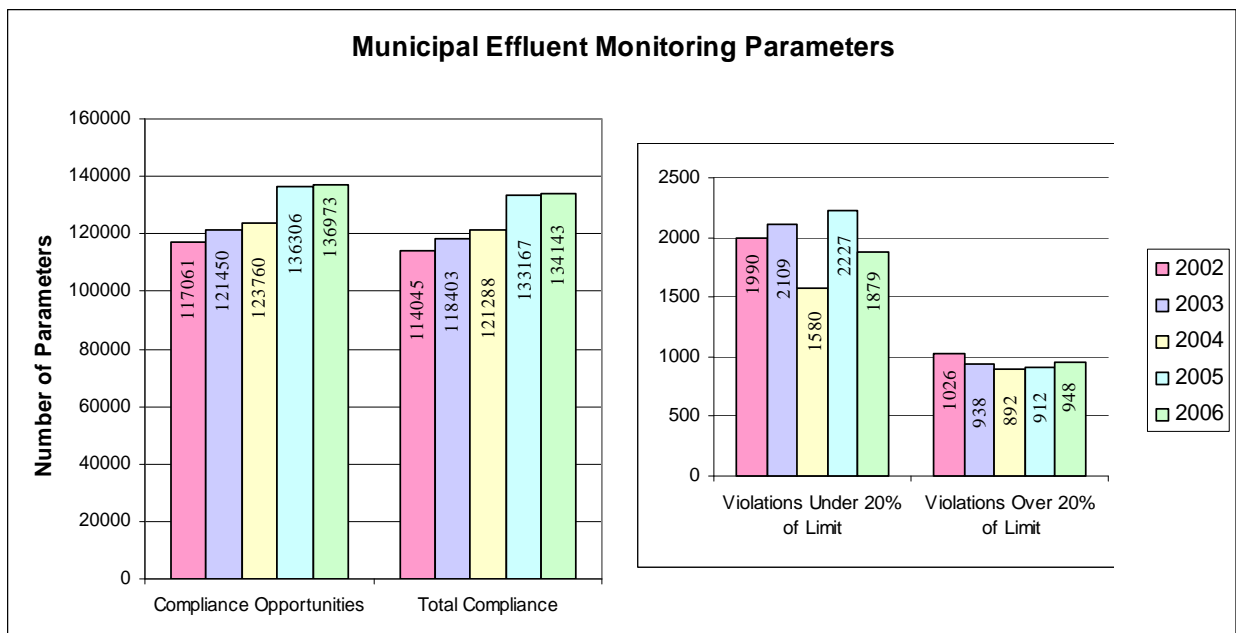


Figure 11

The highest compliance rate (99 percent) occurred for facilities in the Northwest and Central Regional Offices. The eastern region had the lowest municipal compliance rate at 95 percent; however, that represented a 1 percent increase since 2002 (Figure 12).

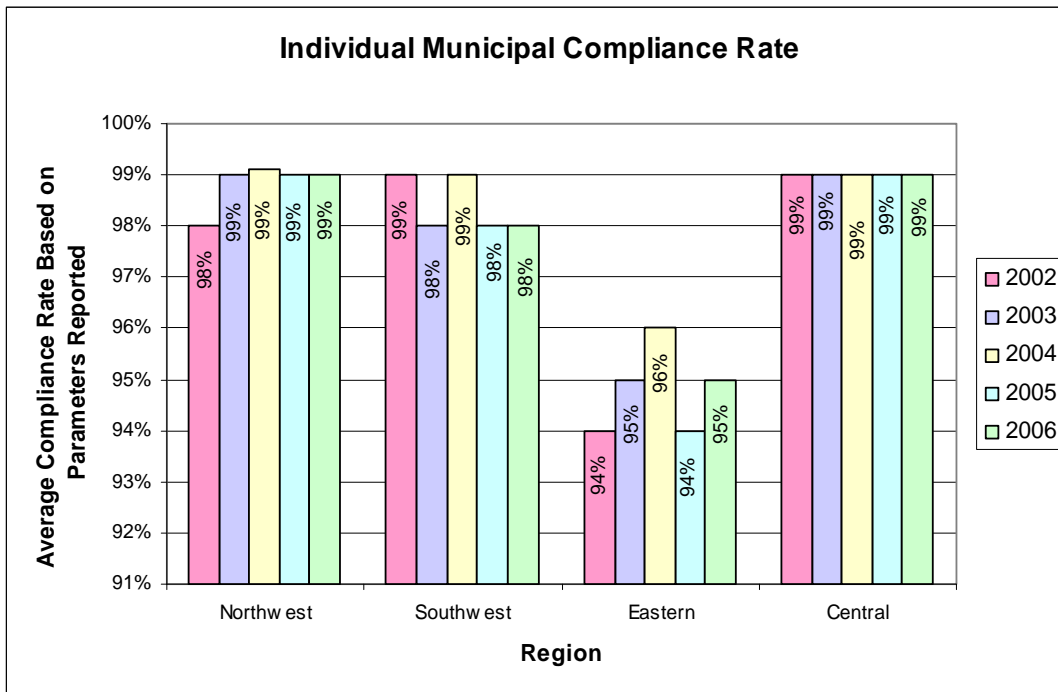


Figure 12

Generally, the statewide compliance rate for individual municipal facilities has increased slightly from 2005. The municipal compliance rate increased from 92.7 percent in 1996 to 97.9 percent in 2006, an increase of 5.2 percent in compliance over ten years (Figure 13).

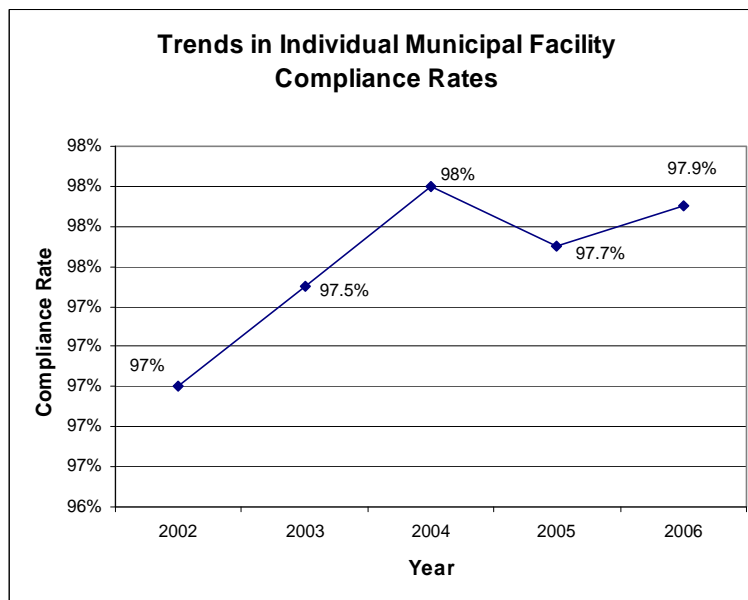


Figure 13

Ecology focuses resources on facilities with five or more violations per year as one way to improve compliance. The number of facilities with five or more violations or more increased slightly from 116 in 2002 to 119 in 2006 (Figure 14).

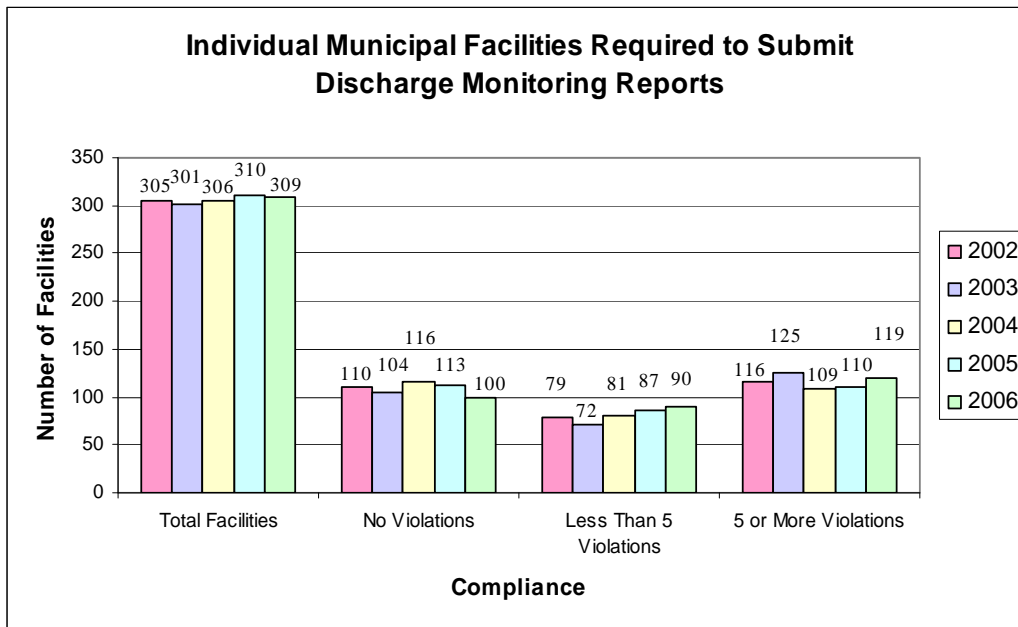


Figure 14

The highest percentage of violating municipal facilities occurred in Ecology’s eastern Region (Figure 15). Of the 90 municipal facilities required to submit DMRs in 2006 in the eastern Region, 63 percent had five or more discharge violations. Only 18 percent of the northwest region’s 71 facilities had five or more violations, a decrease of 9 percent since 2002.

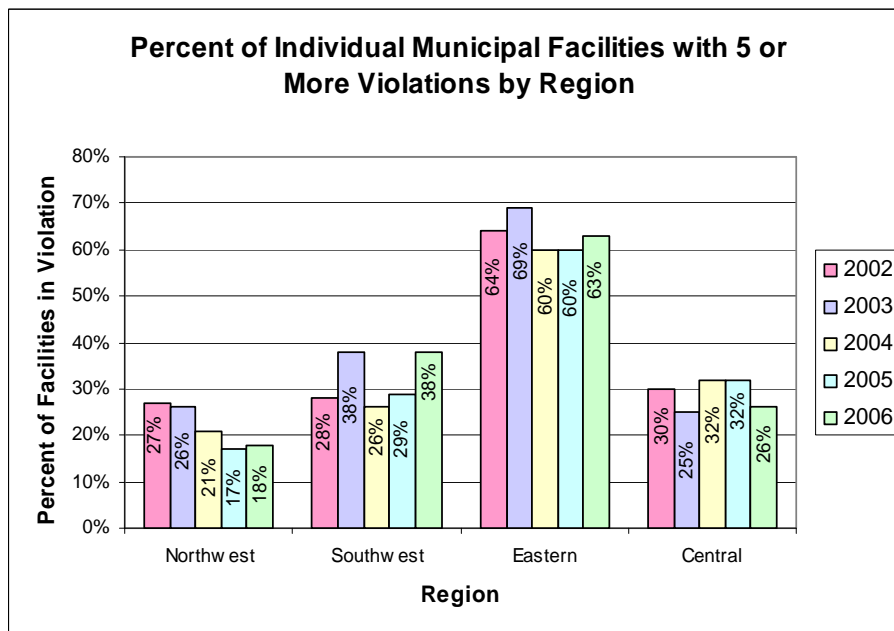


Figure 15

What actions were taken

In 2006, 581 enforcement actions were taken to improve municipal compliance. In addition, 7 moratoria were in place, down 5 from 2004. (Figure 16)

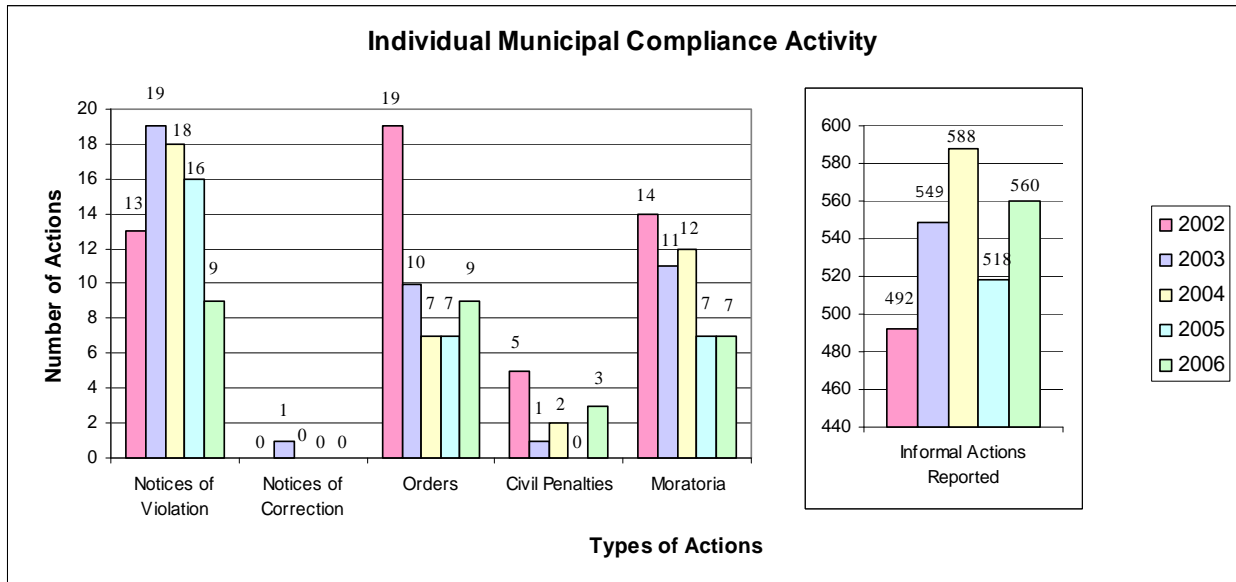


Figure 16

A total of 119 municipal facilities reported five or more violations in 2006. There were 27 facilities in violation that did not receive any enforcement actions (Figure 17).

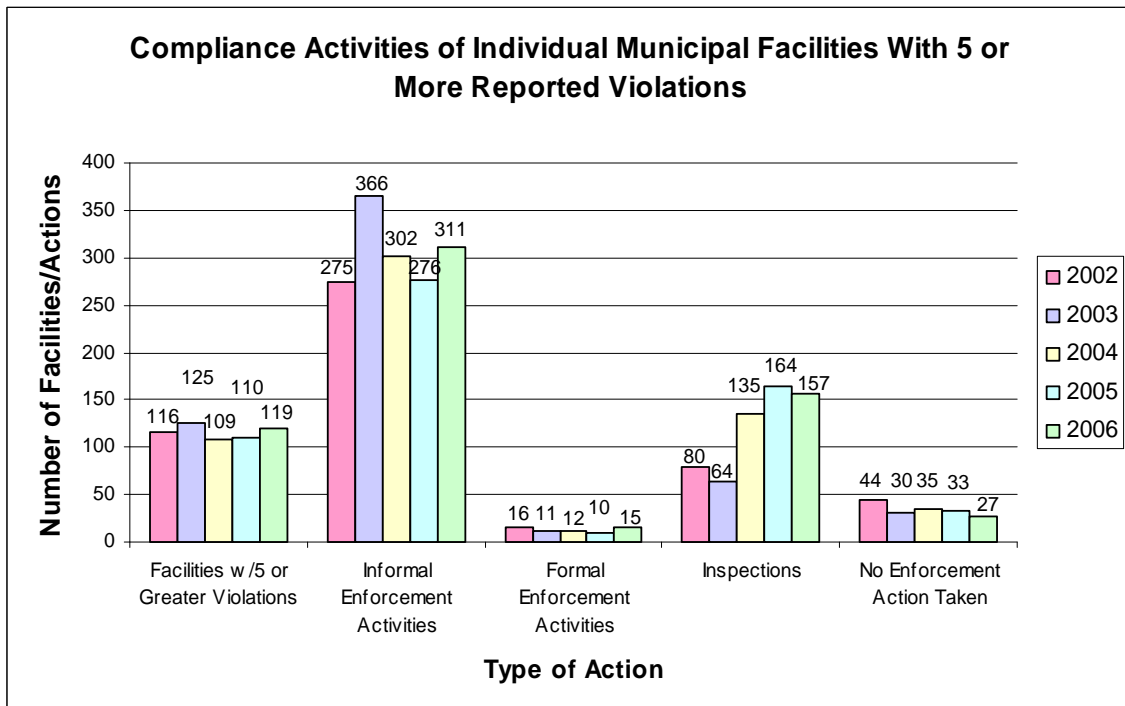


Figure 17

General Permit Compliance

Permit universe/complexity

Ecology develops general permits (NPDES and/or state wastewater discharge permits) for an entire category of discharger. Facilities covered by general permits typically have simple manufacturing processes, a limited number of pollutants, and pollution controls that often use best management practices (BMPs) rather than a complex treatment process. General permit holders may submit monitoring data on a monthly or quarterly basis. These include:

- Boatyards
- Fish hatcheries
- Fruit packer plants
- Sand & gravel facilities
- Water treatment plants

Boatyards

All boatyards, as defined by this permit, in the state of Washington are required to obtain coverage under this general permit. A boatyard is defined as a commercial business primarily engaged in new construction and repair of small vessels 65 feet or less in length. Services typically provided include, but are not limited to: pressure washing; bottom and side painting; engine, prop, shaft, and rudder repair system and replacement; hull repair, joinery, bilge cleaning; fuel and lubrication system repair and replacement; welding and grinding on the hull; buffing and waxing; marine sanitation device repair and replacement; and other activities necessary to maintain a vessel. If all activities are conducted indoors, under cover, with no outside activities or exposure except haul out, coverage under this permit may not be required. Certain boatyard repair activities generally conducted in marinas are exempted from coverage under this permit, but could be subject to the Industrial Stormwater General Permit.

This general permit establishes technology-based effluent limitations for pollutants of concern. These include wastes generated by boatyard activities such as: spent abrasive grits, spent solvent, spent oils, pressure wash wastewater, paint over-spray, paint drips, various cleaners and anti-corrosive compounds, paint chips, scrap metal, welding rods, wood, plastic, resins, glass fibers, and miscellaneous trash such as paper and glass. The two main wastewater streams are pressure wash wastewater and stormwater runoff. Other potential sources are cooling water, pump testing, gray water, sanitary waste, wash-down of the work area, and engine bilge water.

Monitoring, sampling, and reporting are required for stormwater and pressure wash wastewater. Stormwater sampling is required in January, April, May, September, and October for oil/grease, total recoverable copper, and total suspended solids. If a permitted boatyard discharges treated pressure wash wastewater to a non-delegated POTW, pressure wash wastewater sampling is required in June, July, August, and September for total recoverable copper, zinc, lead and pH.

Ecology permit managers are responsible for ensuring compliance at the permitted boatyards. It is achieved using both informal and formal tools. Informal tools include technical assistance

calls, visits, or e-mails; warning letters; and Notices of Correction. Formal enforcement tools can include Administrative Orders, Notices of Violation, and penalties.

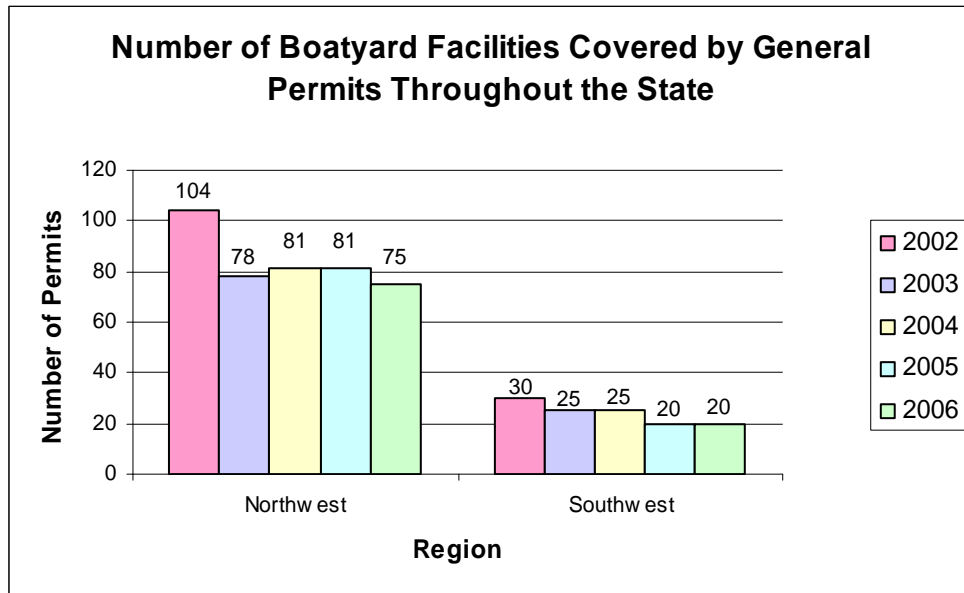


Figure 18

What violations occurred

For general boatyard facilities the number of compliance opportunities increased from 2002 to 2006 by 774. Compliance increased proportionally. The number of violations that exceeded 20 percent of the permitted limits increased by 95 in 2006 (Figure 19).

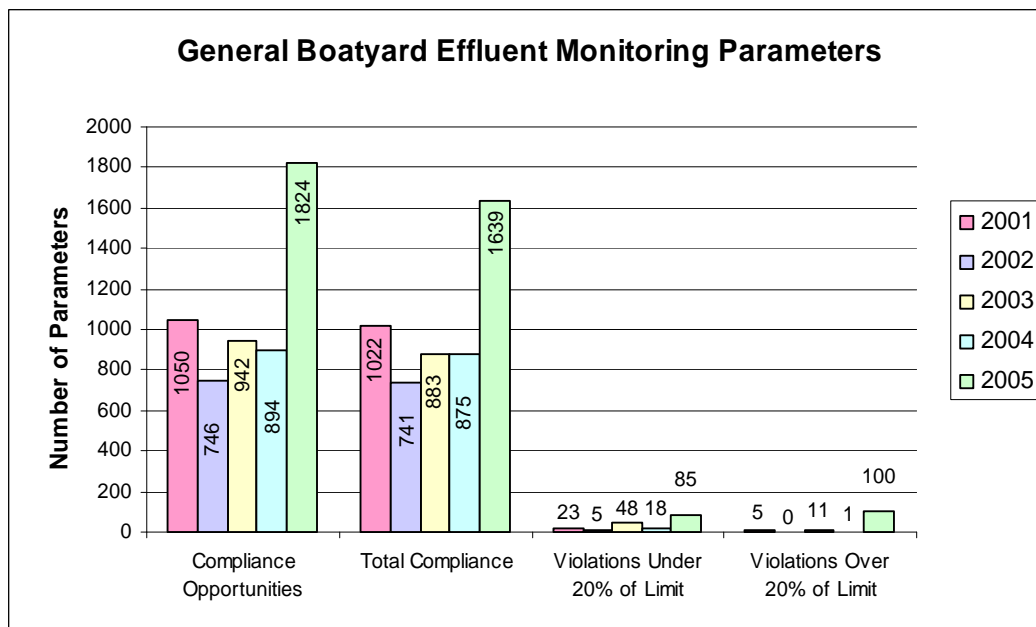


Figure 19

The compliance rate for the Northwest Regional Office has decreased by 8 percent since 2002. The compliance rate for the Southwest Regional Office has decreased by 4 percent since 2002 (Figure 20).

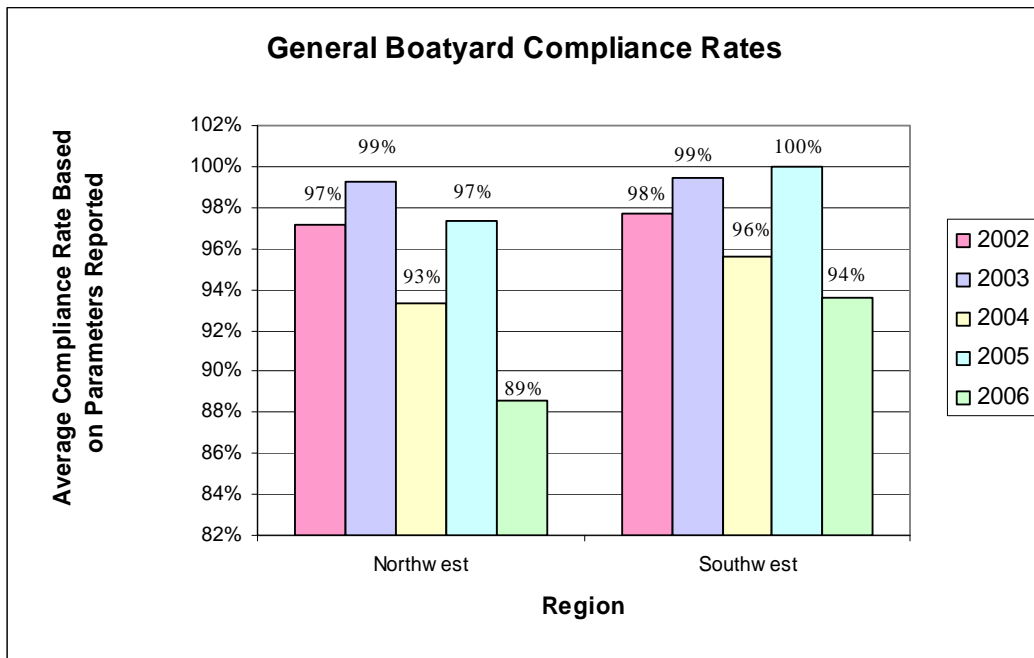


Figure 20

Generally, the statewide compliance rate for general boatyard facilities has decreased slightly. The boatyard compliance rate decreased from 97.3 percent in 2002 to 89.9 percent in 2006, an decrease of 7.4 percent in compliance over five years (Figure 21).

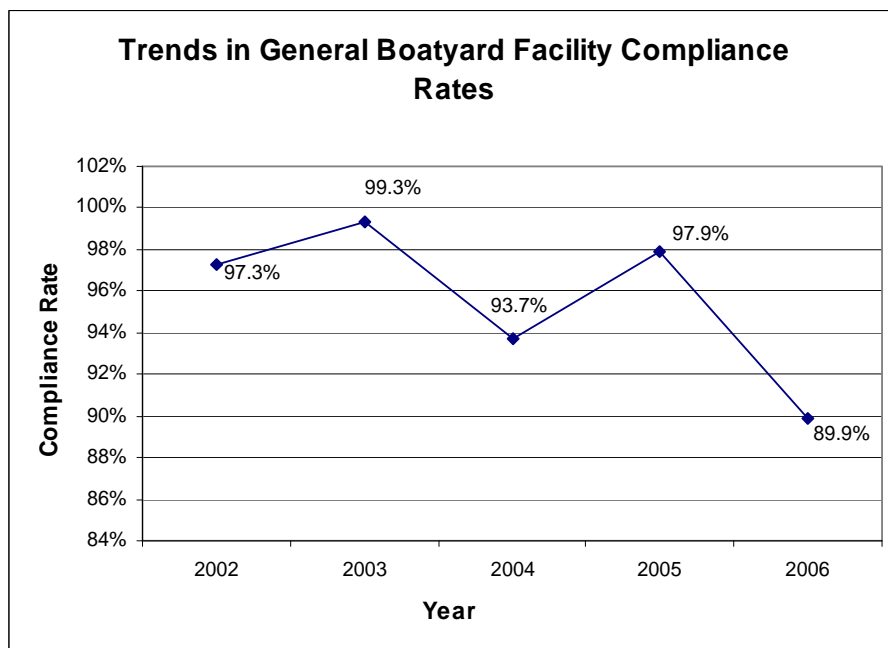


Figure 21

Ecology focuses resources on facilities with five or more violations per year as one way to improve compliance. The number of facilities with five or more violations or more increased from 2 in 2002 to 12 in 2006 (Figure 22).

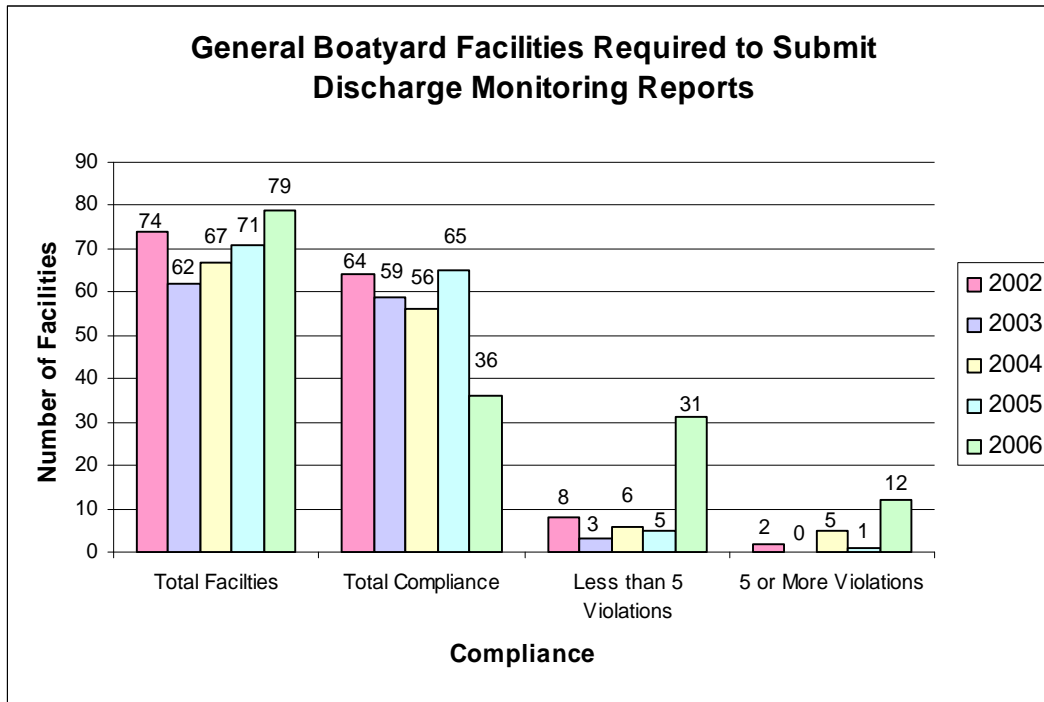


Figure 22

The highest percentage (6 percent) of violating boatyard facilities occurred in Ecology’s northwest region (Figure 23).

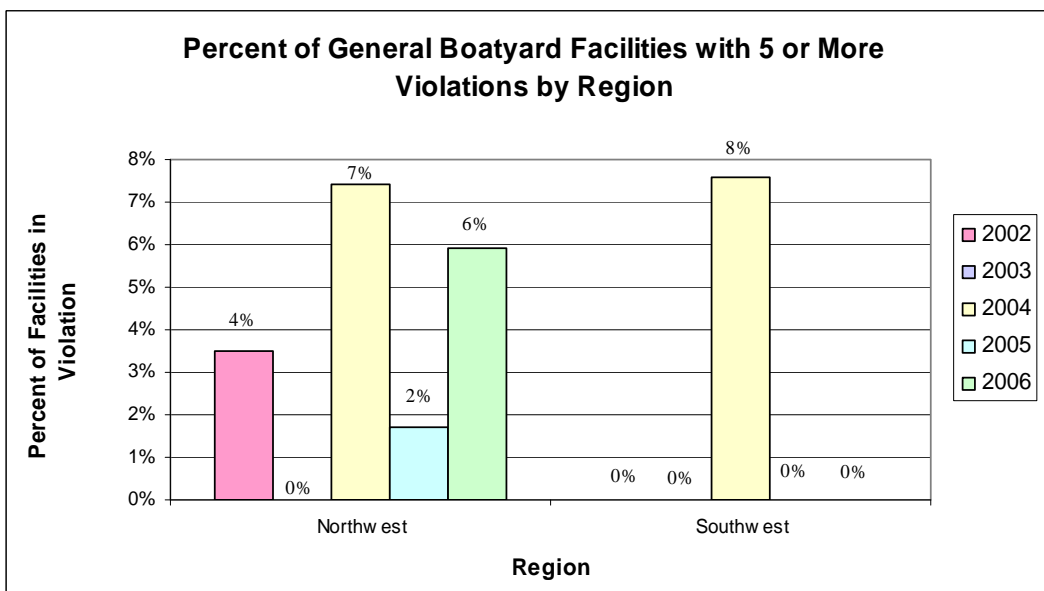


Figure 23

What actions were taken

In 2006, 165 enforcement actions were taken to improve boatyard compliance (Figure 24).

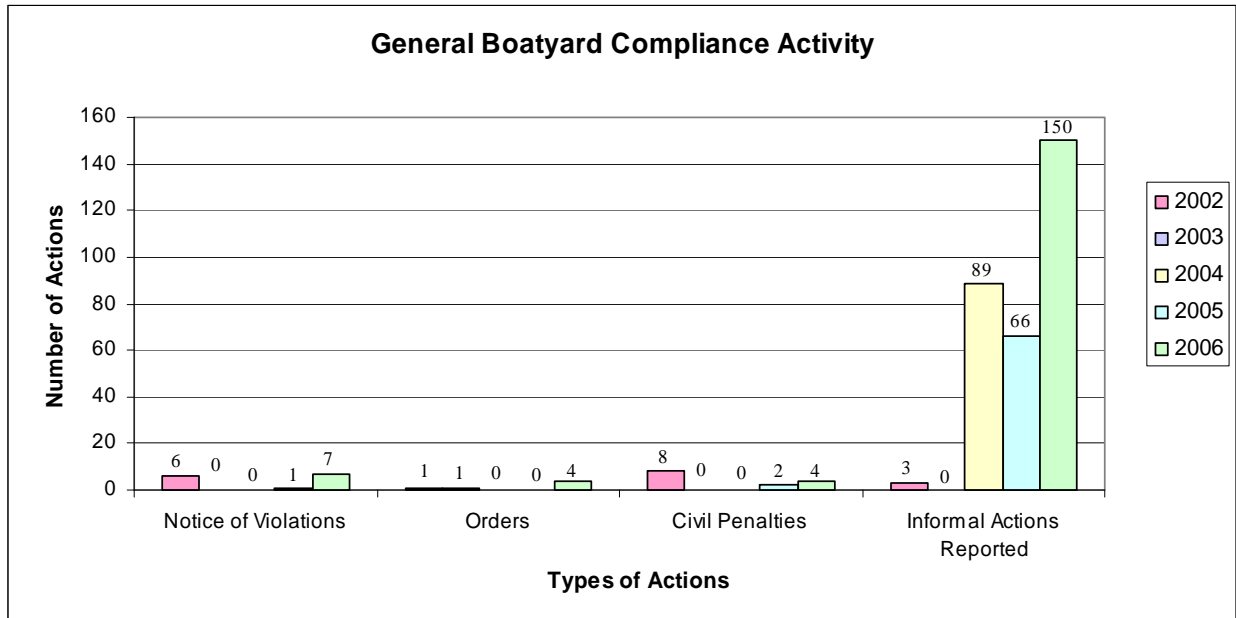


Figure 24

There were 3 facilities (30 percent) with more than five violations that did not receive any enforcement actions in 2006 (Figure 25).

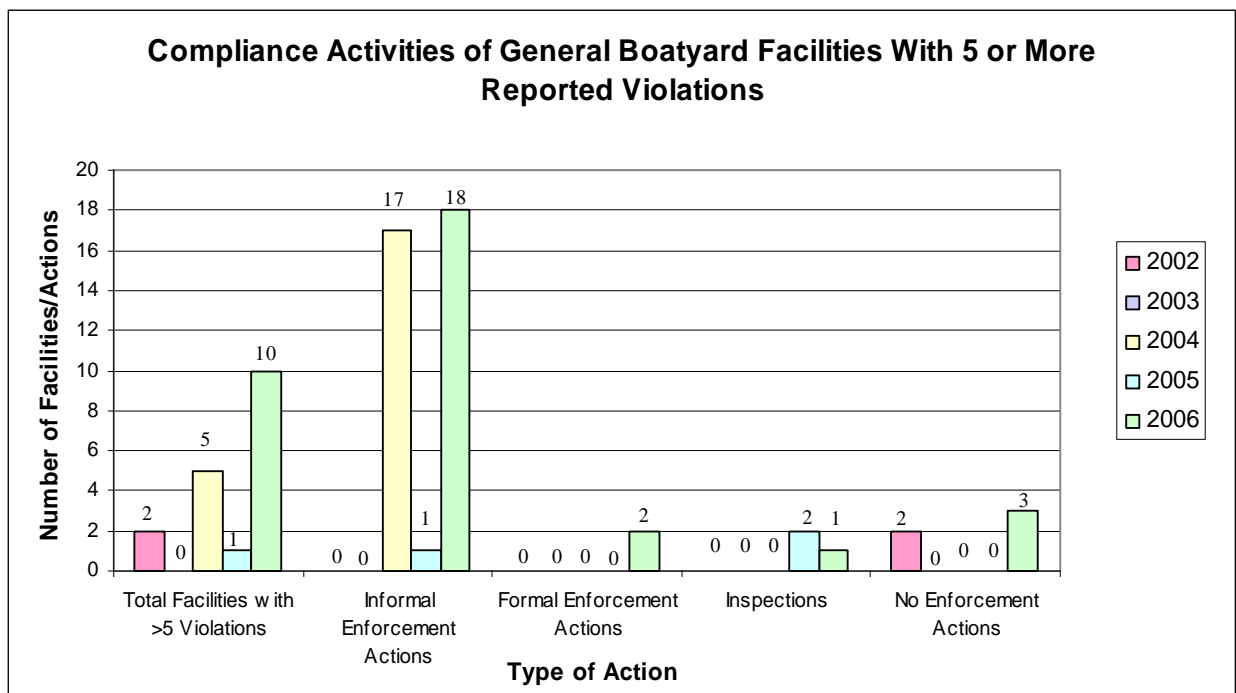


Figure 25

Fish hatcheries

Upland fin-fish hatching and rearing facilities as defined in Chapter 173-221A WAC are required to obtain coverage under this general permit. Facilities include hatcheries, rearing ponds, spawning channels, and similarly constructed or fabricated public or private facilities. Activities include hatching, feeding, nurturing, holding, maintaining, and rearing to reach the size of release or for market sale. The permit covers facilities that discharge at least thirty (30) days a calendar year and produce more than 20,000 pounds of fish per year, or feed more than 5,000 pounds of fish food during any calendar month. Fish rearing and hatching operations on federal or tribal land are not covered under this permit.

This general permit establishes both technology-based and water-quality based effluent limitations for pollutants of concern. The pollutants of concern in hatchery and rearing pond wastewater are the waste food and fish feces. The chemical constituents of concern in both are primarily nitrogen and phosphorus. Disease control chemicals used to treat both internal and external fish diseases and to prevent the spread of disease at or between facilities are also pollutants of concern. A comprehensive list of chemicals used at each facility is reported annually to Ecology. Permittees are required to routinely monitor and sample at rearing ponds or raceway discharges and offline settling basins. Total suspended solids are reported monthly and settleable solids are reported weekly.

Ecology permit managers are responsible for ensuring compliance at the upland fin-fish and rearing facilities, using both informal and formal enforcement tools. Informal tools include technical assistance calls, visits, or e-mails; warning letters; and Notices of Correction. Formal enforcement tools can include Administrative Orders, Notices of Violation, and penalties.

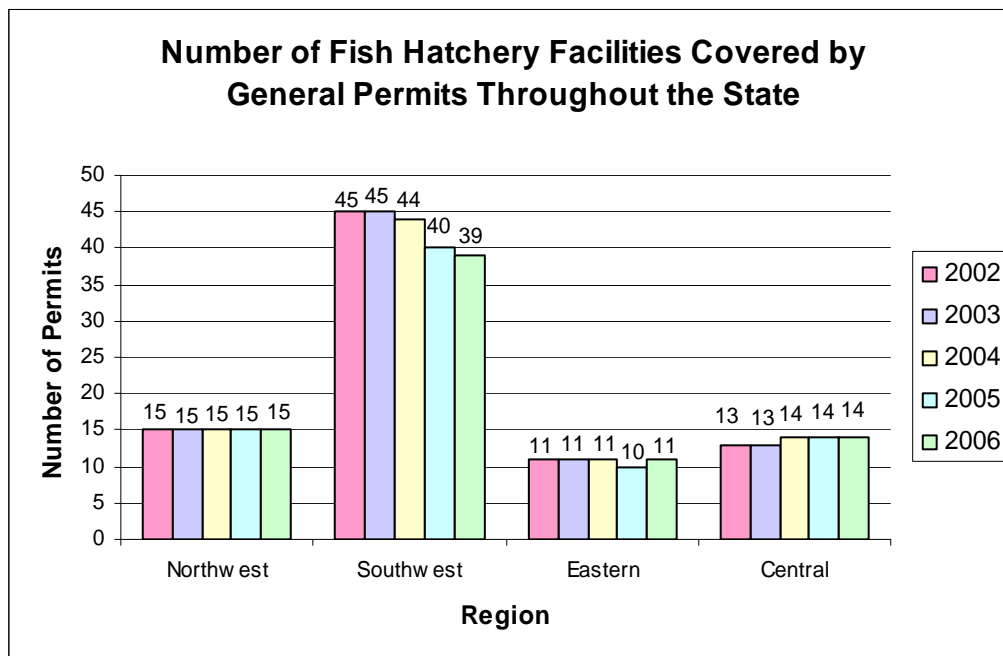


Figure 26

What violations occurred

For general fish hatchery facilities the number of compliance opportunities increased from 2002 to 2006 by 3,842. Compliance increased proportionally. The number of violations that exceeded 20 percent of the permitted limits increased by 14 in 2006 (Figure 27).

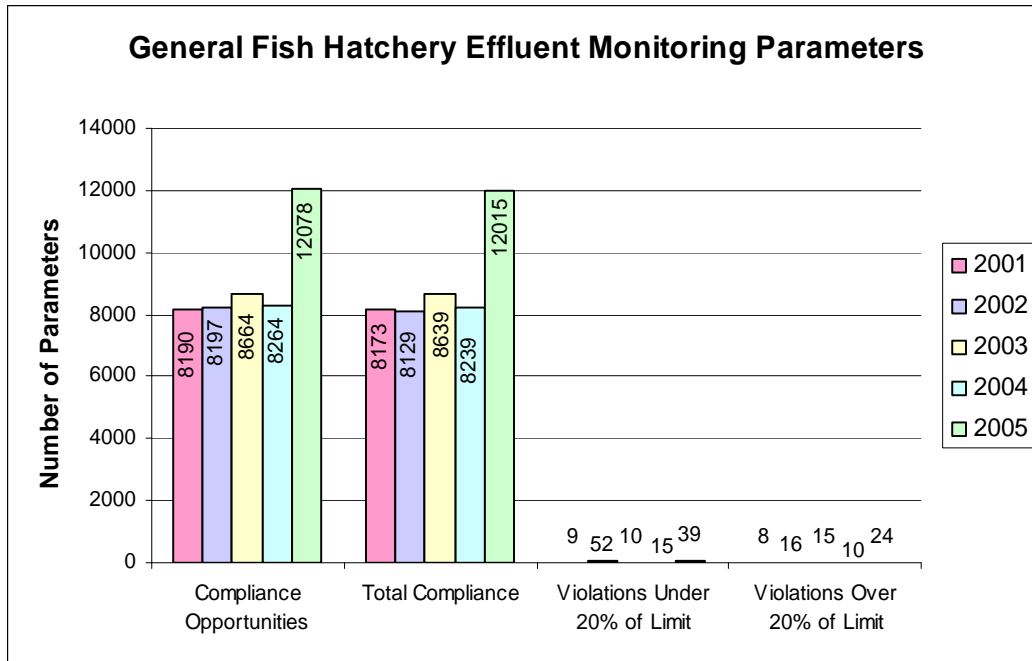


Figure 27

The compliance rate of 100 percent occurred for facilities throughout most of the state. The central region had the lowest compliance rate at 99 percent (Figure 28).

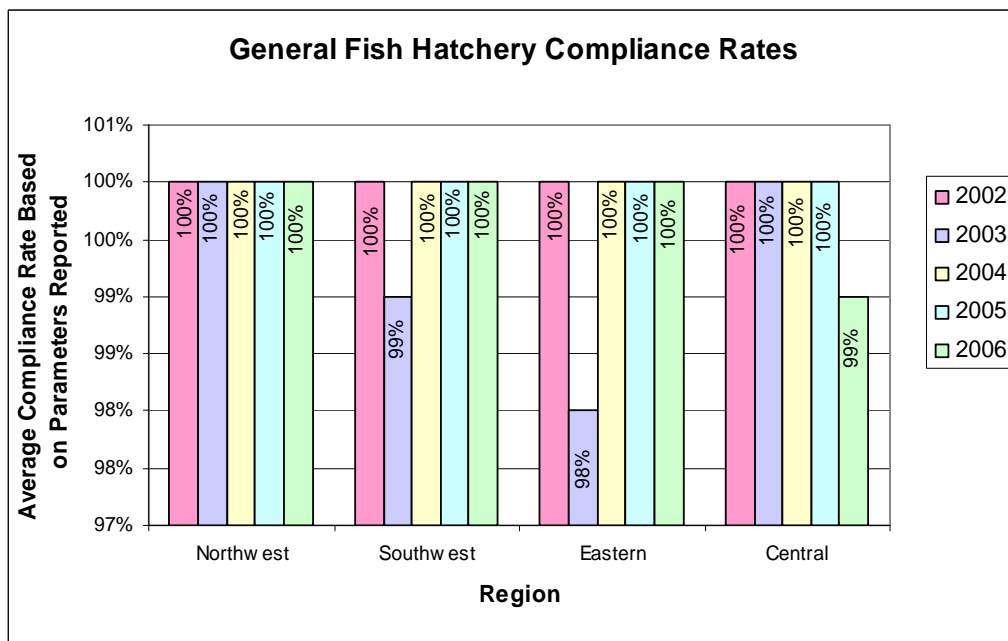


Figure 28

Generally, the statewide compliance rate for general fish hatchery facilities has decreased slightly. The fish hatchery compliance rate decreased from 99.8 percent in 2002 to 99.5 percent in 2006, a decrease of 0.3 percent in compliance over five years (Figure 29).

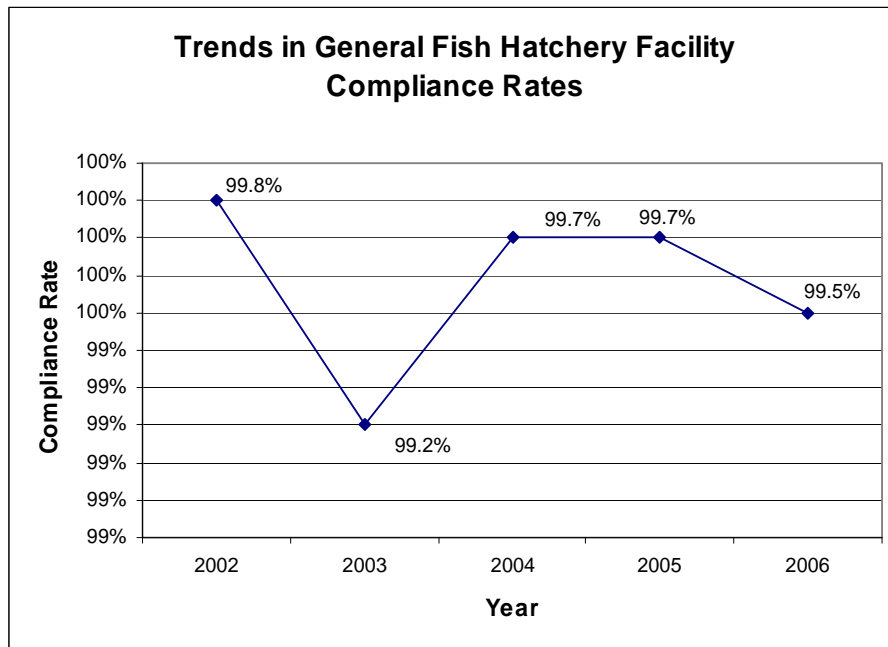


Figure 29

Ecology focuses resources on facilities with five or more violations per year as one way to improve compliance. The number of facilities with five or more violations increased from 0 in 2002 to 3 in 2006 (Figure 30).

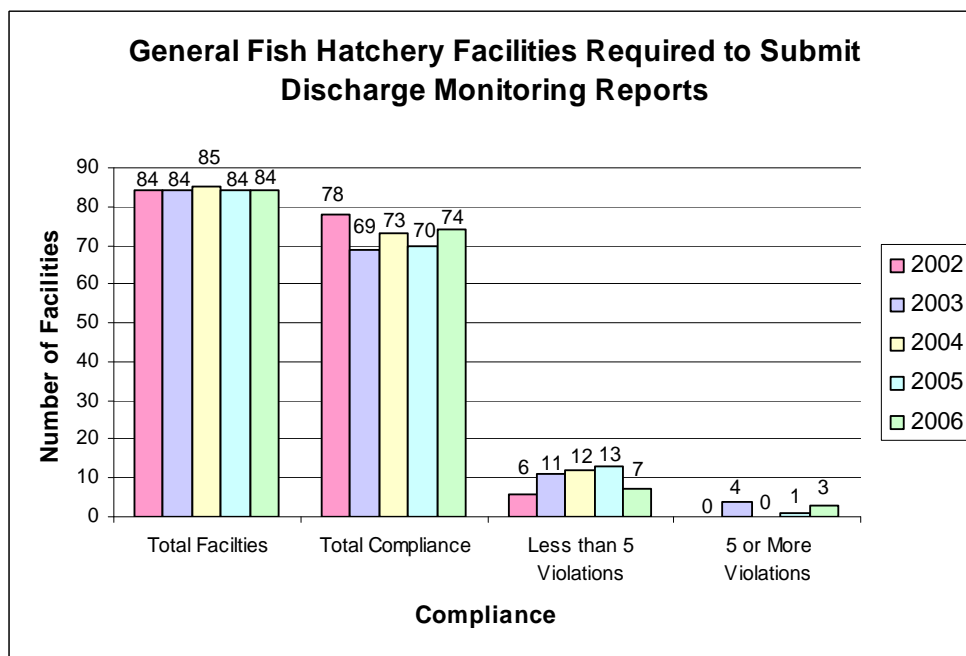


Figure 30

The highest percentage (9 percent) of violating fish hatchery facilities occurred in Ecology's eastern region (Figure 31).

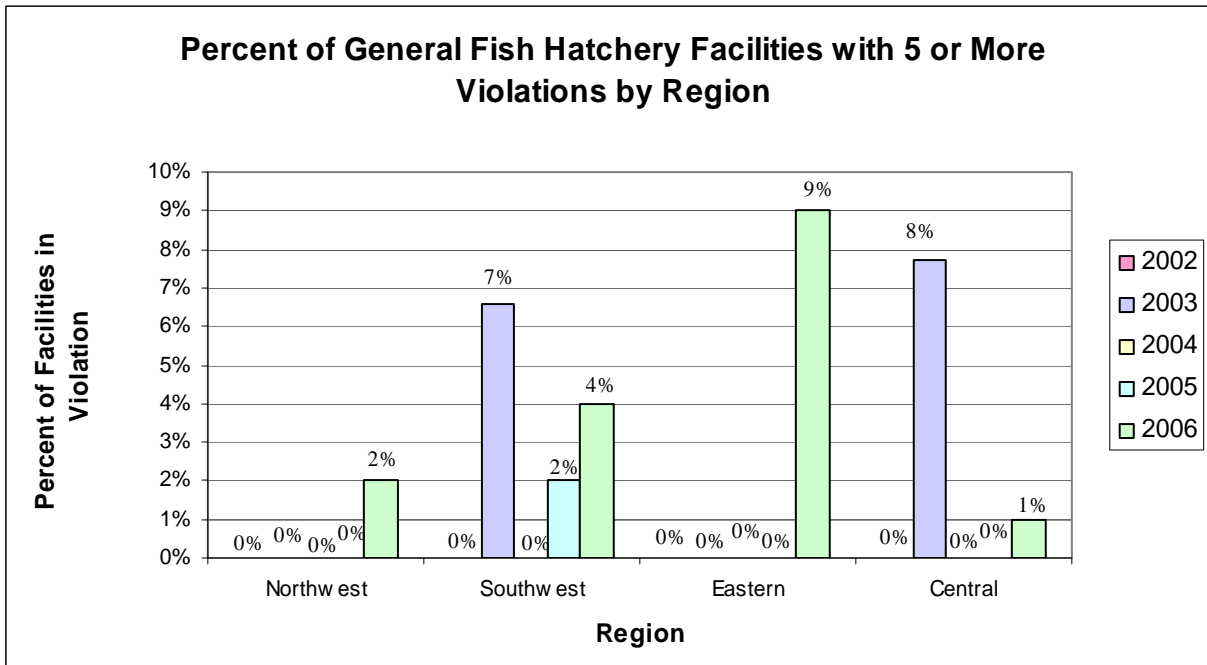


Figure 31

What actions were taken

In 2006, 12 enforcement actions were taken to improve fish hatchery compliance (Figure 32).

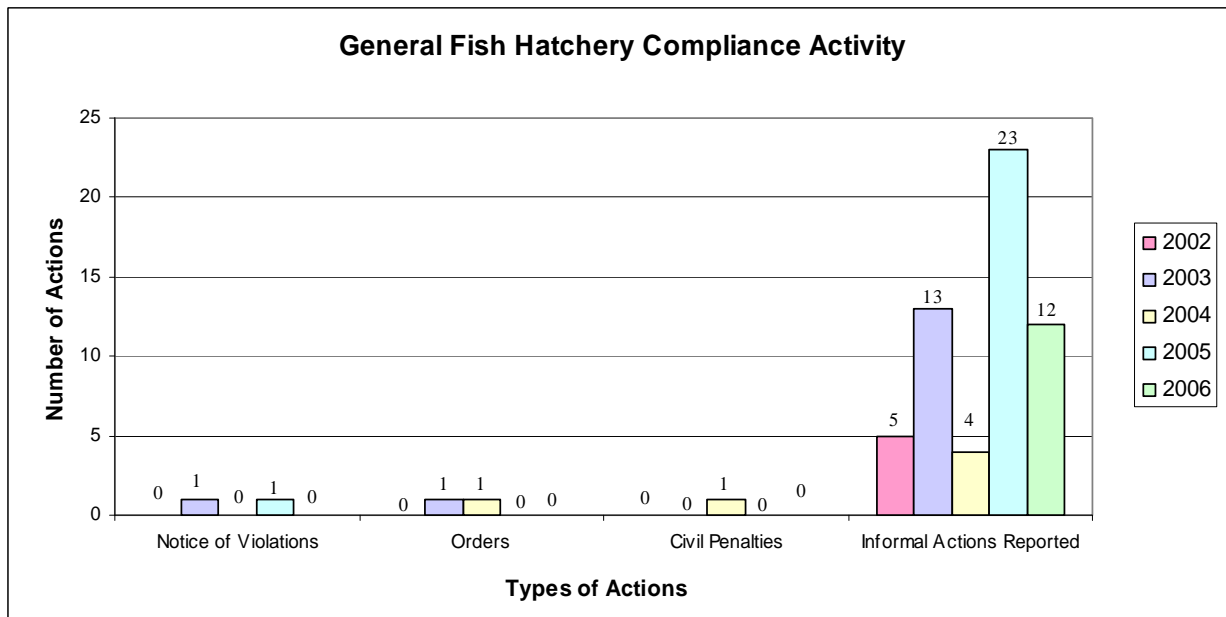


Figure 32

There were 2 facilities (66 percent) with more than five violations that did not receive any enforcement actions in 2006 (Figure 33).

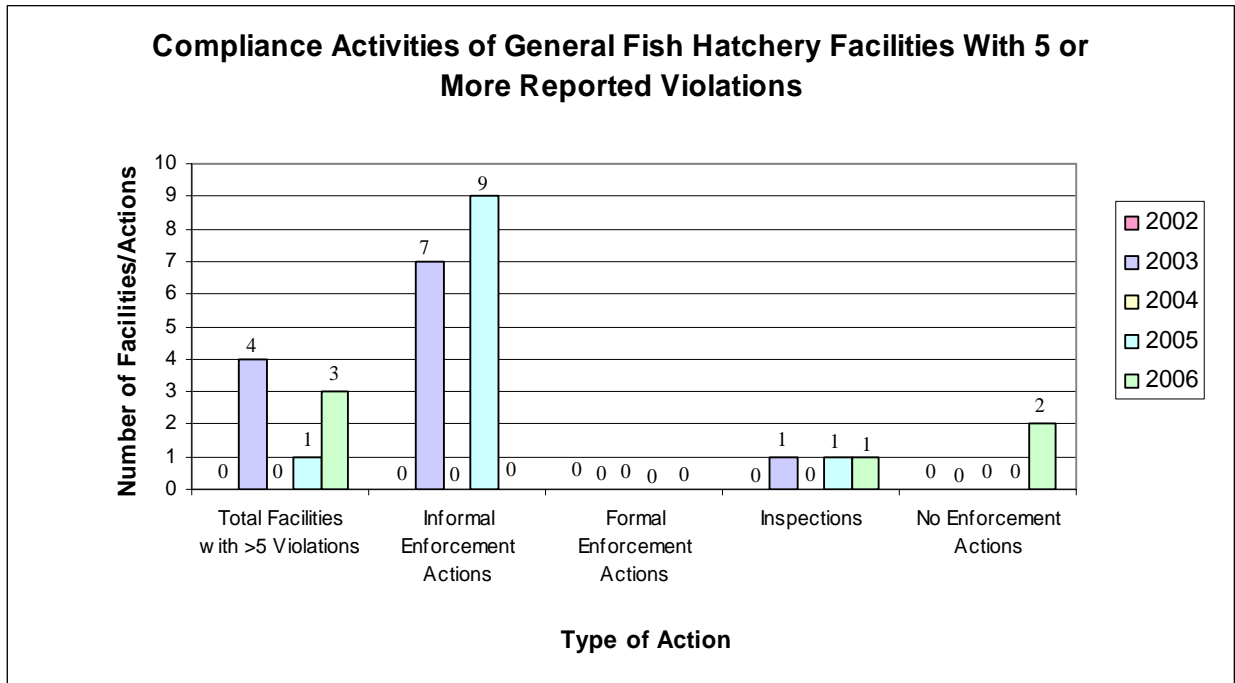


Figure 33

Fresh fruit packers

Every new or existing fresh fruit packing facility which receives, packs, stores, and/or ships either hard or soft fruit, and discharges wastewater (with the exception of discharges of only domestic wastewater or discharges only to a delegated pretreatment POTW), shall be required to apply for and obtain coverage under this general permit. These facilities are generally located in the central and eastern regions of Washington State.

This general permit establishes technology-based effluent limitations for pollutants of concern. These include wastes generated by the fresh fruit packer industry such as: total dissolved solids, chlorine, turbidity, oxygen demand, high temperature, high or low pH, or toxic materials.

Ecology permit managers are responsible for ensuring compliance at the permitted fresh fruit packers. It is achieved using both informal and formal tools. Informal tools include technical assistance calls, visits, or e-mails; warning letters; and Notices of Correction. Formal enforcement tools can include Administrative Orders, Notices of Violation, and penalties.

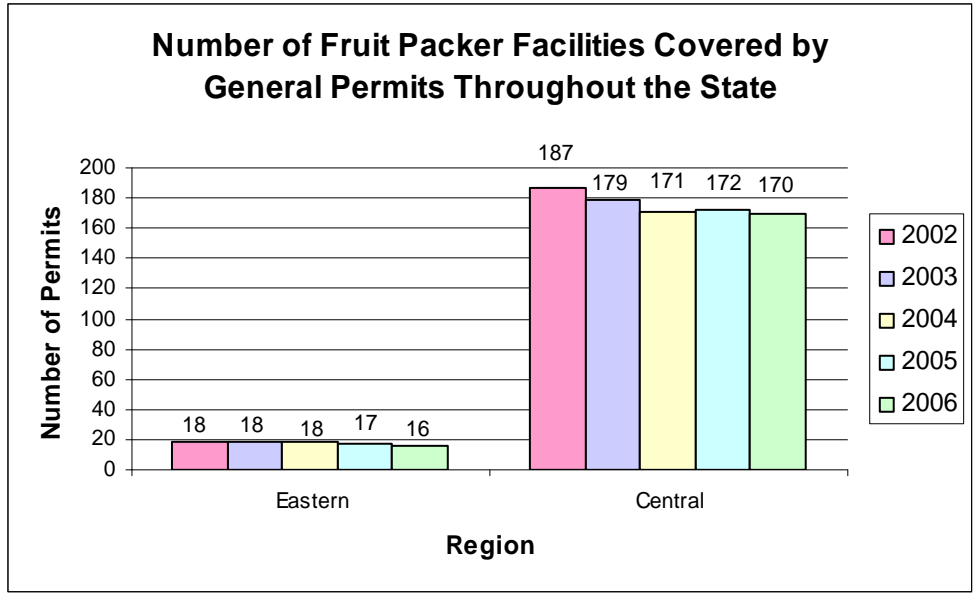


Figure 34

What violations occurred

For general fruit packer facilities the number of compliance opportunities decreased from 2002 to 2006 by 4,394. Compliance increased proportionally. The number of violations that exceeded 20 percent of the permitted limits decreased by 68 from 2002 to 2006 (Figure 35).

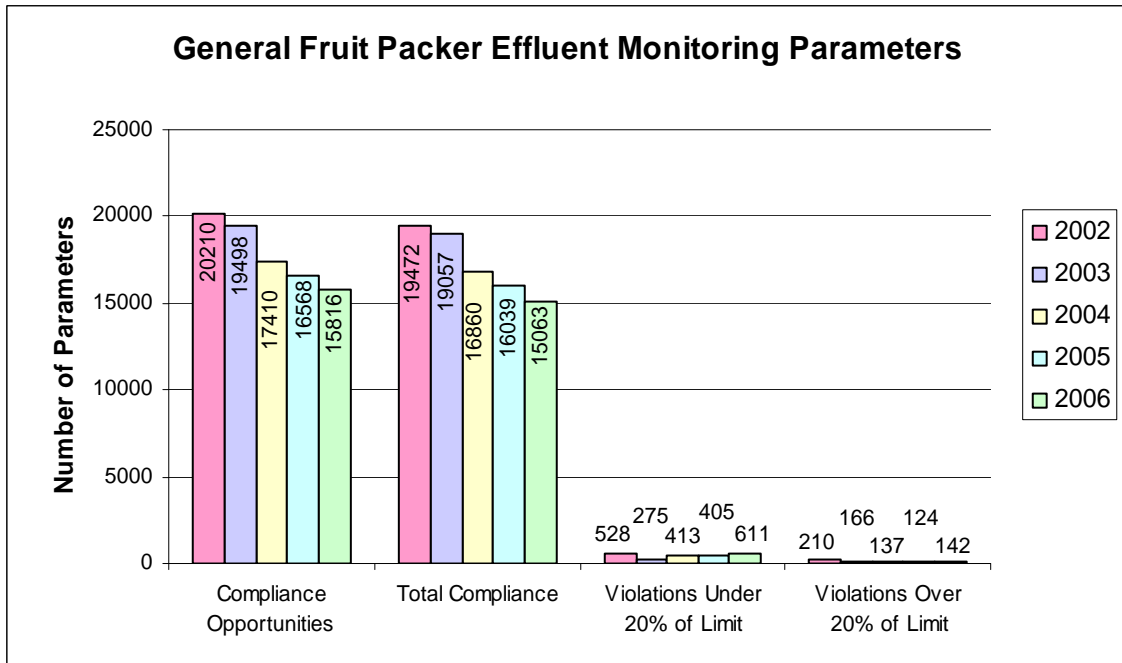


Figure 35

The compliance rate of approximately 93 occurred for facilities throughout the state. The eastern region had the lowest compliance rate at 91 percent (Figure 36).

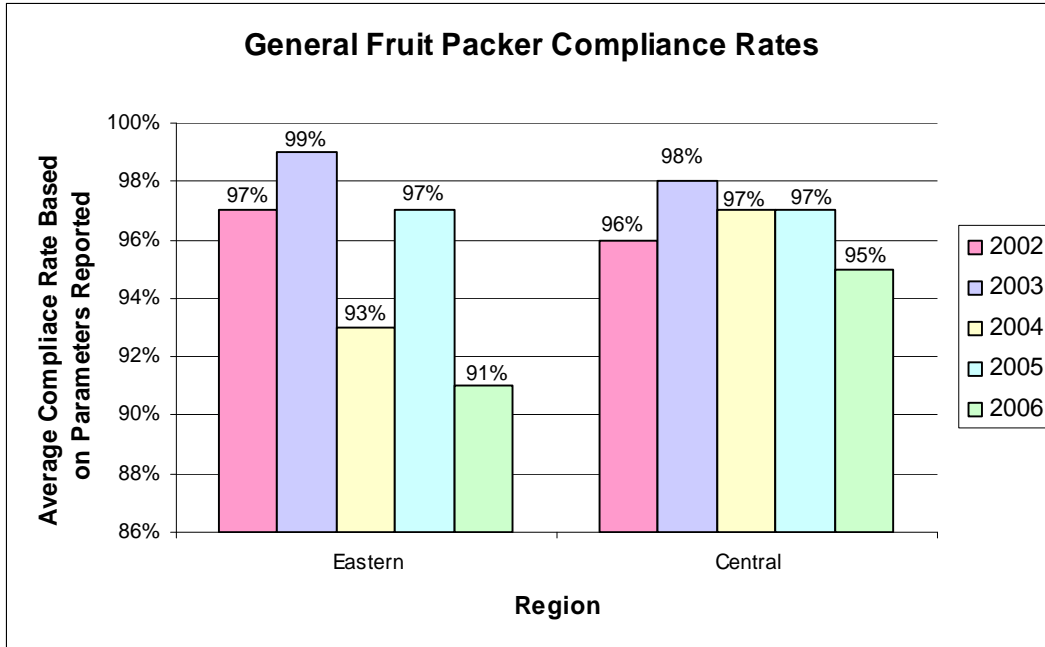


Figure 36

Generally, the statewide compliance rate for general fruit packer facilities has decreased slightly. The fruit packer compliance rate increased from 96.3 percent in 2002 to 95.2 percent in 2006, a decrease of 1.1 percent in compliance over five years (Figure 37).

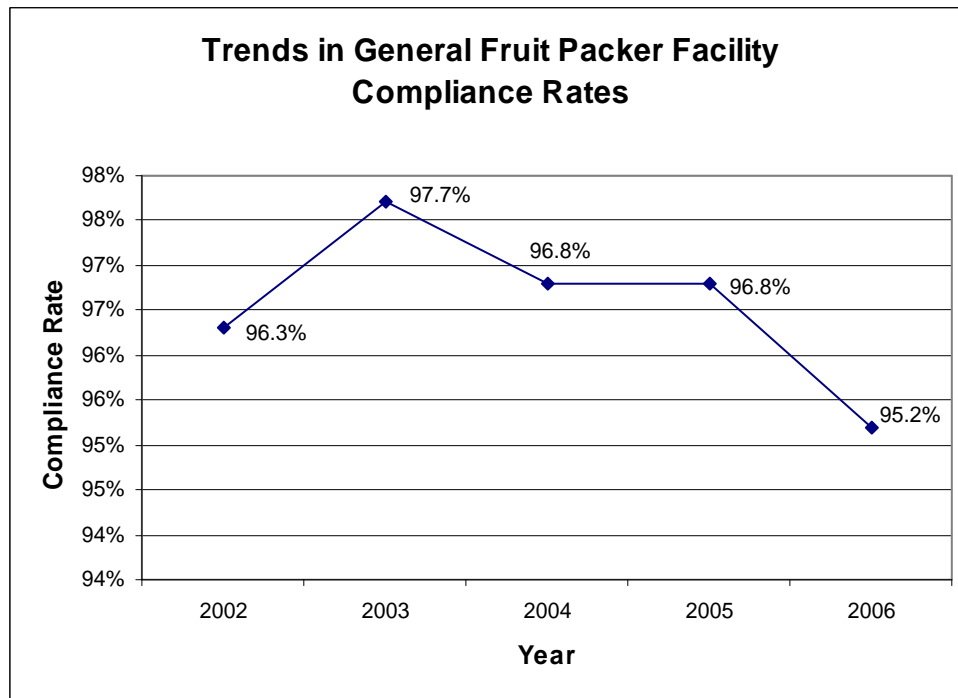


Figure 37

Ecology focuses resources on facilities with five or more violations per year as one way to improve compliance. The number of facilities with five or more violations decreased from 47 in 2002 to 38 in 2006 (Figure 38).

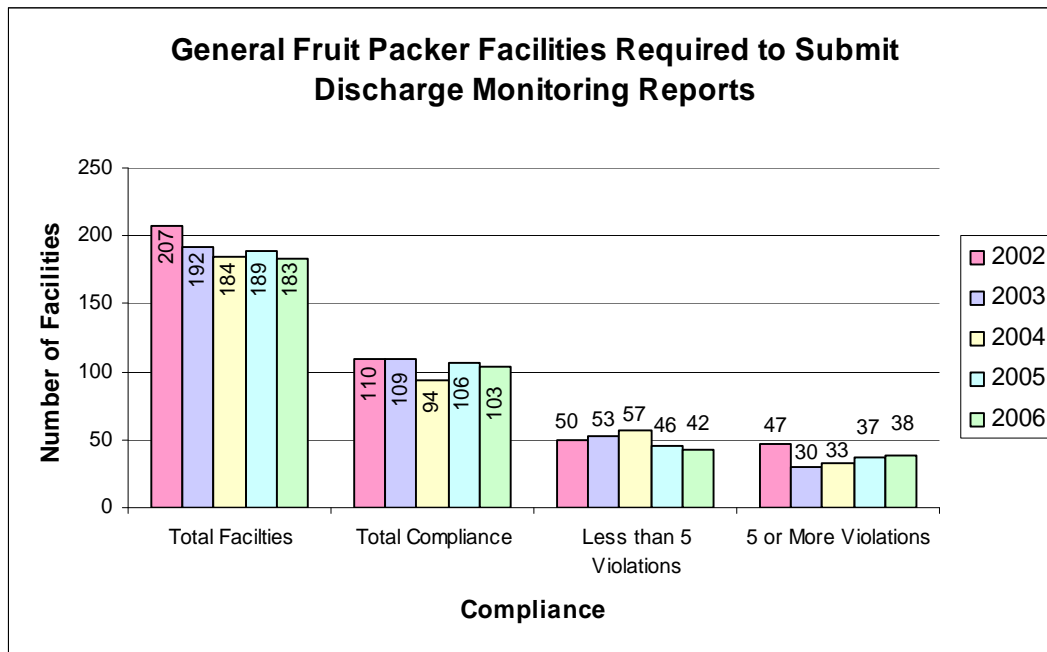


Figure 38

The highest percentage (21 percent) of violating fruit packer facilities occurred in Ecology’s central region (Figure 39).

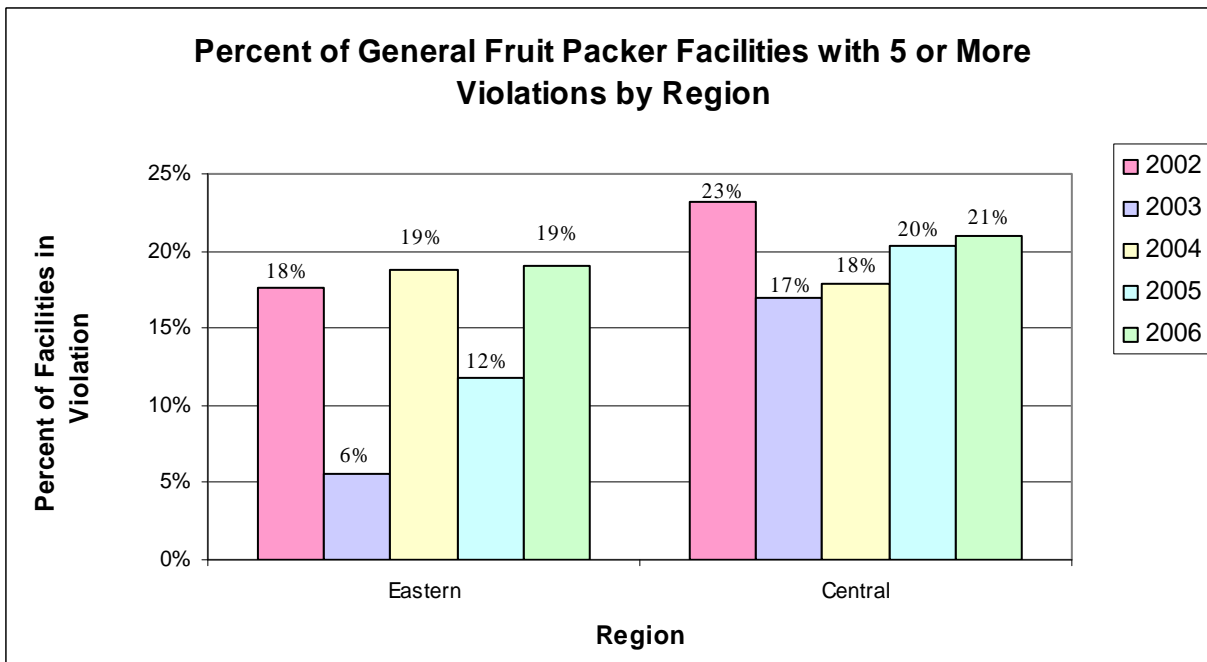


Figure 39

What actions were taken

In 2006, 42 enforcement actions were taken to improve fruit packer compliance in 2006 (Figure 40).

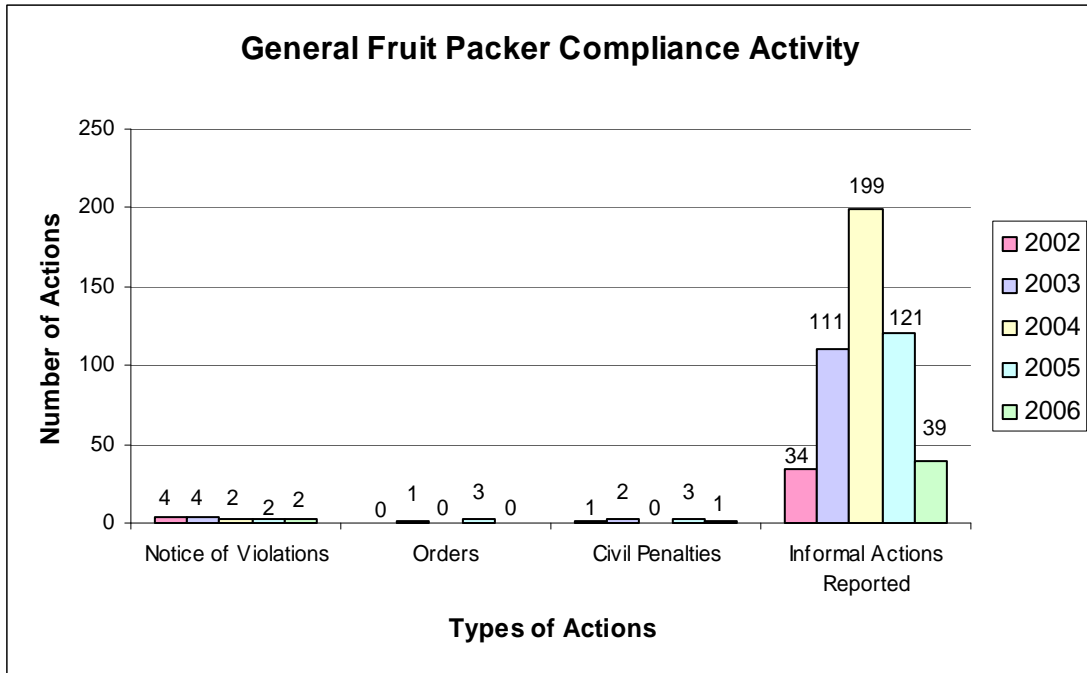


Figure 40

There were 21 facilities with more than five violations that did not receive any enforcement actions in 2006 (Figure 41).

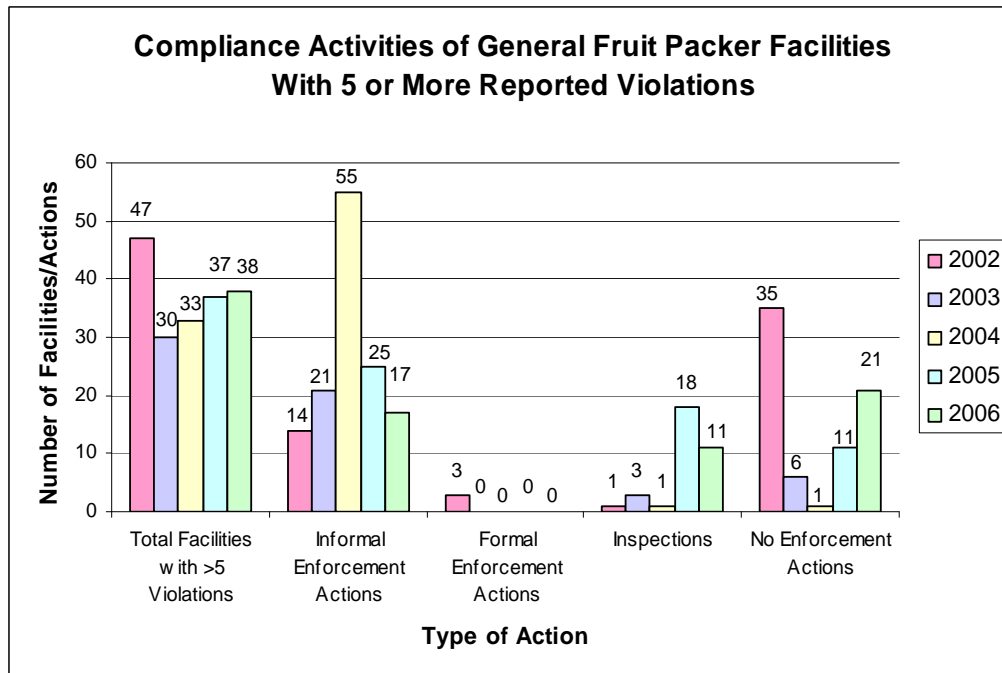


Figure 41

Sand and gravel

The sand and gravel general permit provides coverage for discharges of process water, stormwater, and mine dewatering water associated with sand and gravel operations, rock quarries, and similar mining operations, including stockpiles of mined materials. It also provides coverage for concrete batch operations and hot mix asphalt operations. Operations covered under this permit are authorized to discharge wastewater to waters of the state of Washington subject to the conditions contained in the general permit.

This sand and gravel general permit establishes technology-based effluent limitations for pollutants of concern. These include wastes generated by the industries included in this permit such as: total dissolved solids, total suspended solids, turbidity, temperature, pH, and visual oil sheen.

The sand and gravel general permit was re-issued in February 2005. Several of the permitted facilities did not understand when they were to use the new Discharge Monitoring Report (DMR) forms since the permit issuance was issued mid-quarter and most parameters are to be monitored and reported quarterly. There were also several permitted facilities that did not use the newly issued DMR forms that were enclosed with the new permit, therefore, they did not report the visual oil sheen that was newly added to the latest permit. The majority of the violations for 2005 for the sand and gravel general permit were due to the non reporting of the visual oil sheen. These issues were resolved by sending warning letters and technical assistance by the permit managers.

Ecology permit managers and compliance officers are responsible for ensuring compliance at the permitted sand and gravel facilities. It is achieved using both informal and formal tools. Informal tools include technical assistance calls, visits, or e-mails; warning letters; and Notices of Correction. Formal enforcement tools can include Administrative Orders, Notices of Violation, and penalties.

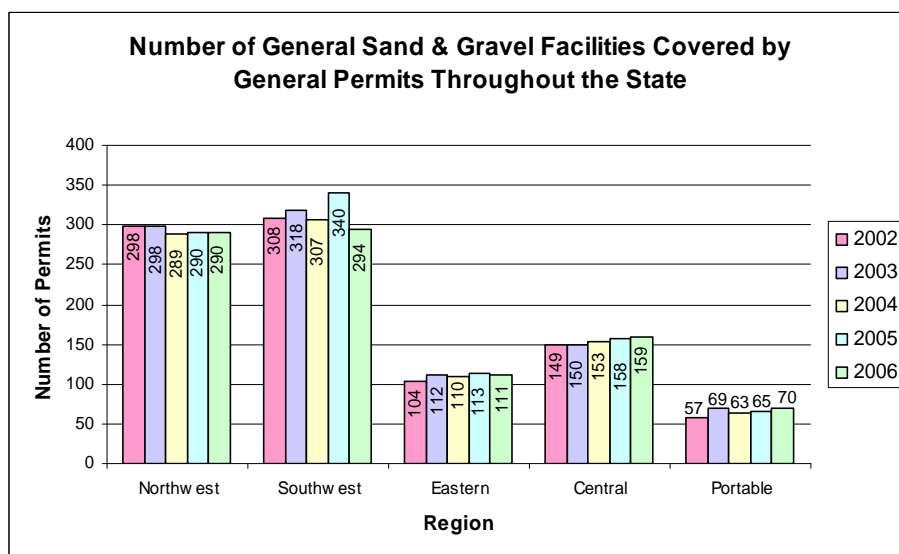


Figure 42

What violations occurred

For general sand and gravel facilities the number of compliance opportunities increased from 2002 to 2006 by 7,767. Compliance increased proportionally. The number of violations that exceeded 20 percent of the permitted limits decreased by 3 from 2002 to 2006 (Figure 43).

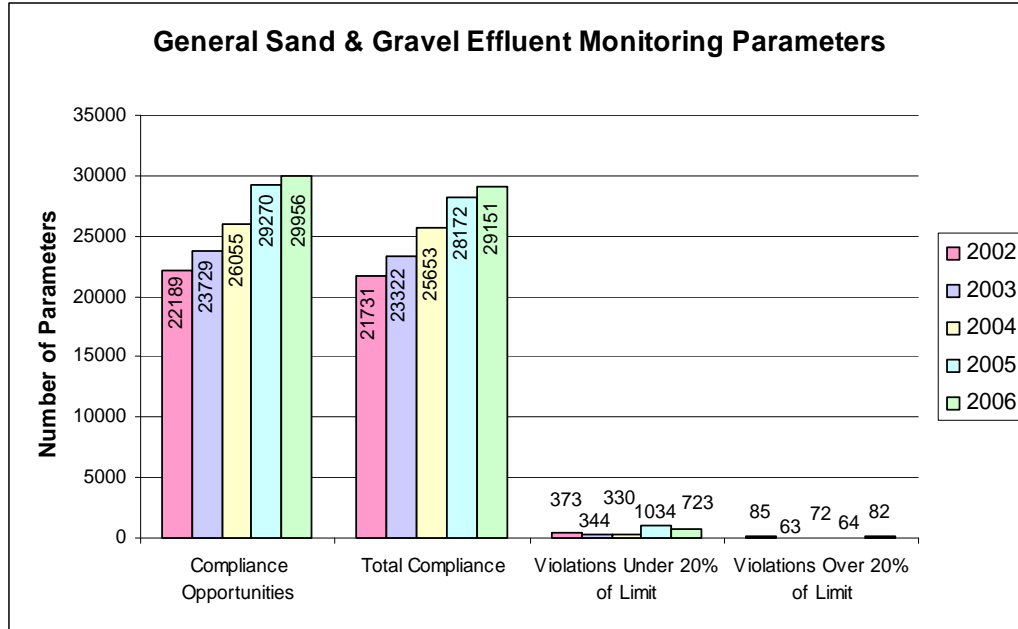


Figure 43

The compliance rate generally increased for sand and gravel facilities throughout the state. The northwest and southwest regions had the lowest compliance rate at 97 percent (Figure 44).

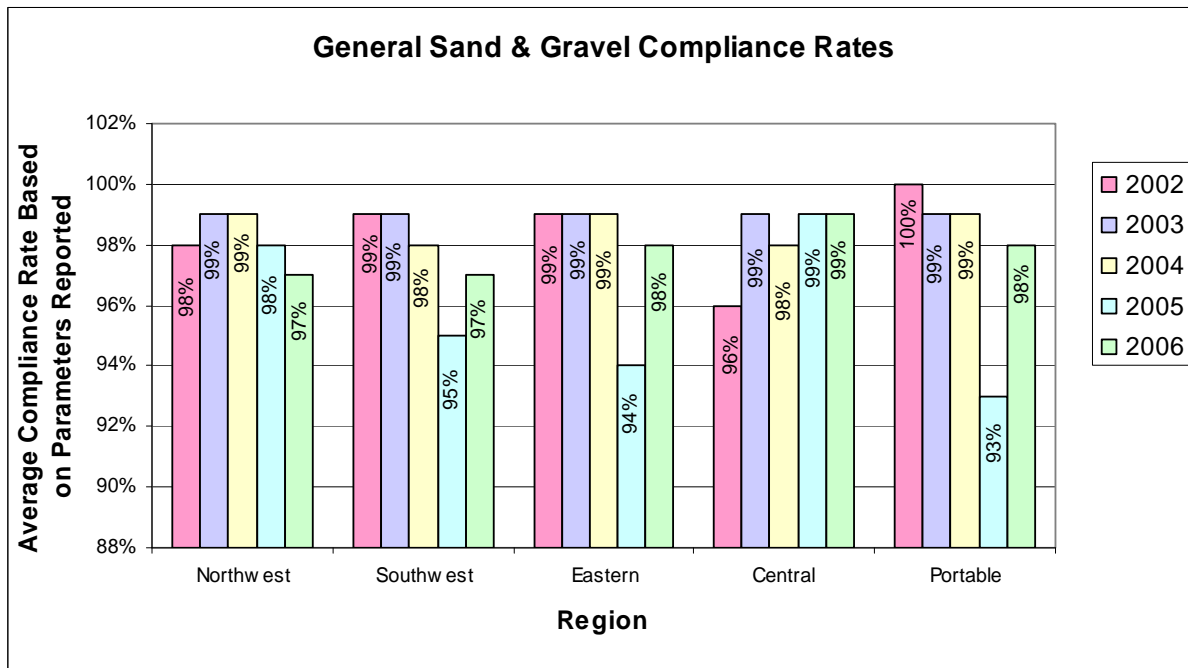


Figure 44

The statewide compliance rate for general sand and gravel facilities has increased by 1.1 percent from 2005, but has decreased by 0.6 percent from 2002 (Figure 45).

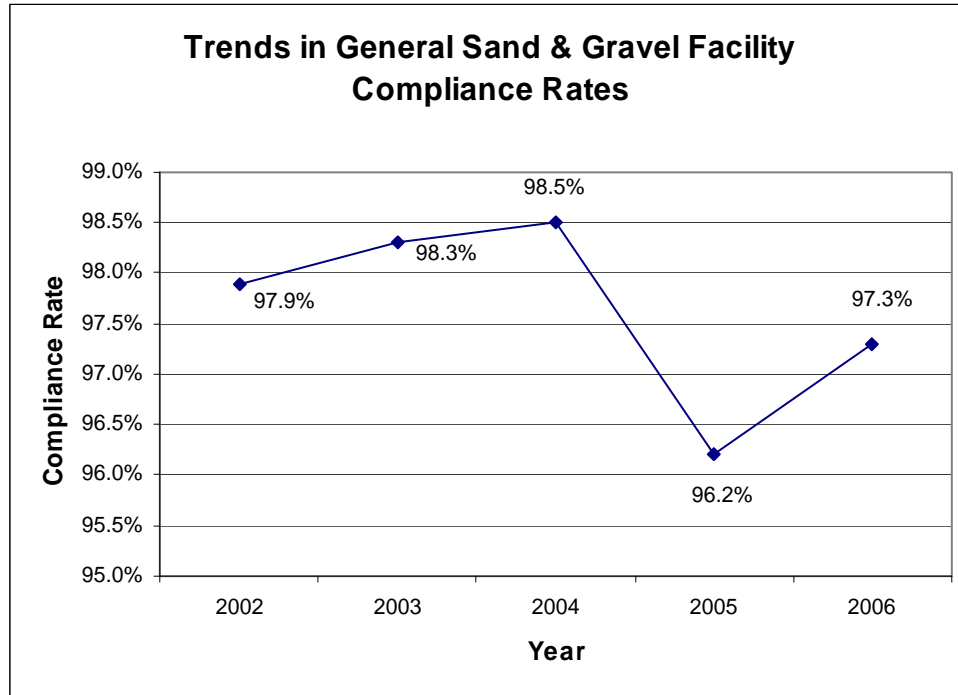


Figure 45

Ecology focuses resources on facilities with five or more violations per year as one way to improve compliance. The number of facilities with five or more violations increased from 27 in 2002 to 51 in 2006 (Figure 46).

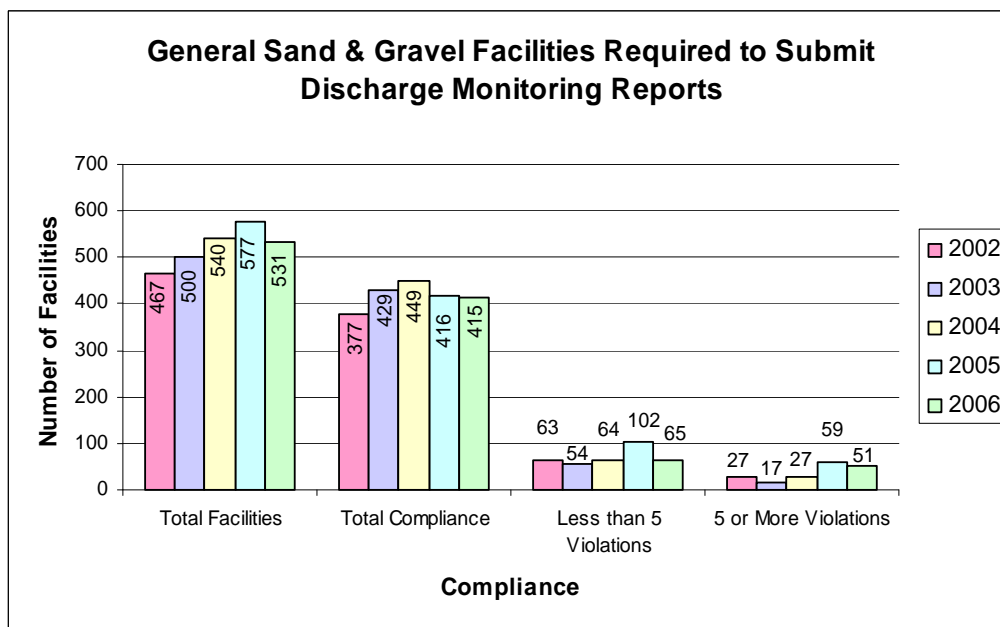


Figure 46

The highest percentage (17 percent) of violating sand and gravel facilities occurred in Ecology's southwest region (Figure 47).

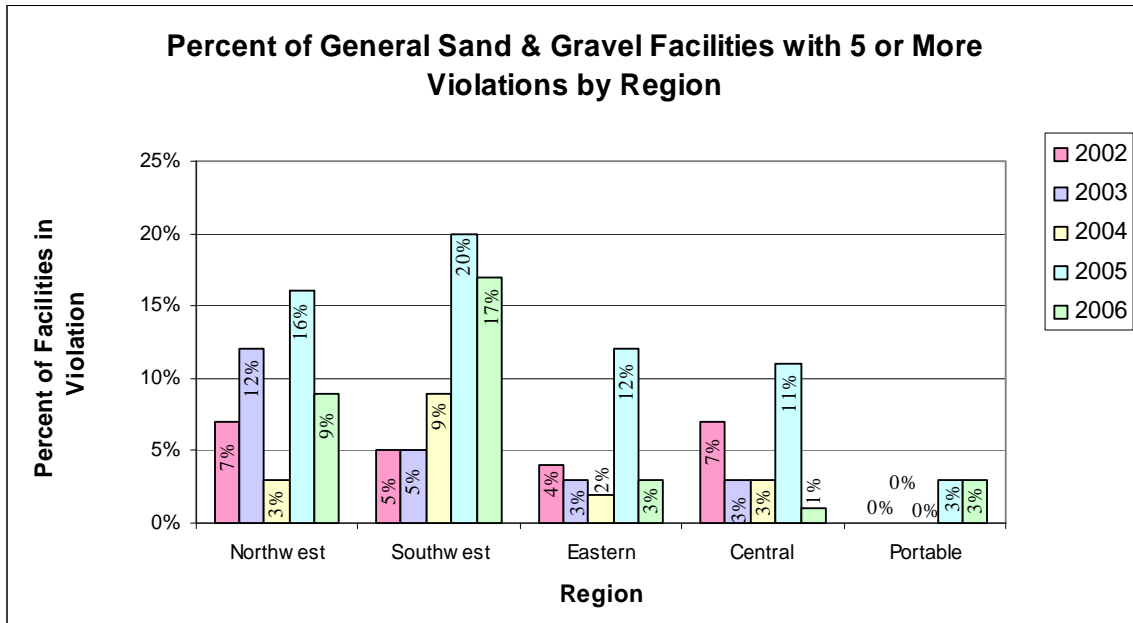


Figure 47

What actions were taken

In 2006, 319 enforcement actions were taken to improve sand and gravel compliance in 2006 (Figure 48).

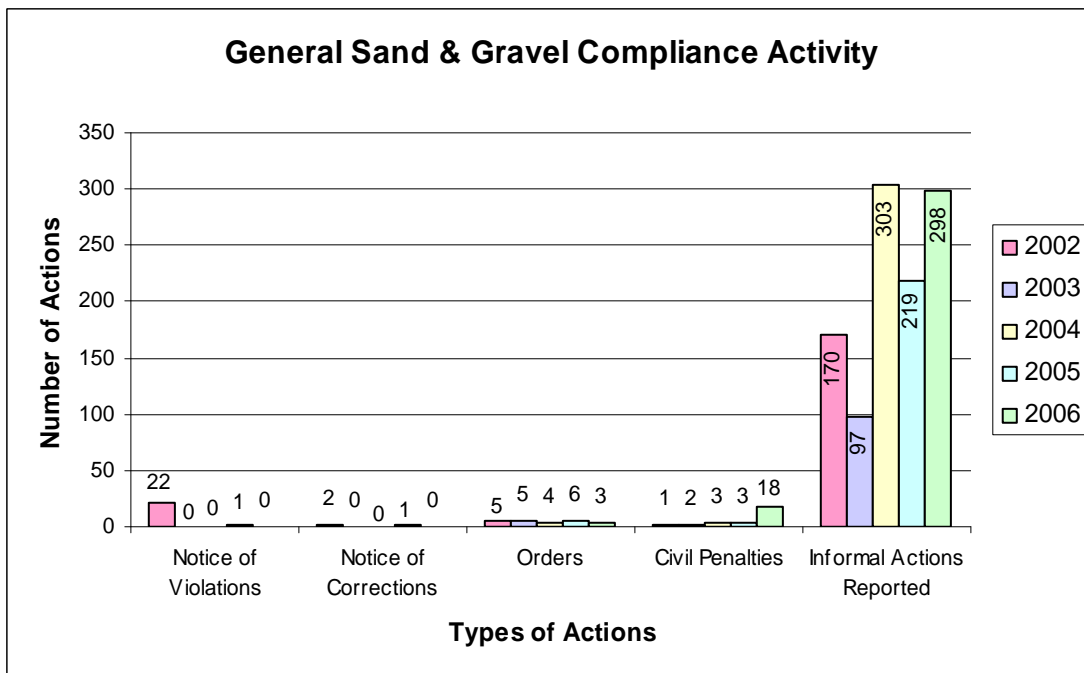


Figure 48

There were 12 facilities with more than five violations that did not receive any enforcement actions in 2006, a decrease of 30 percent since 2005 (Figure 49).

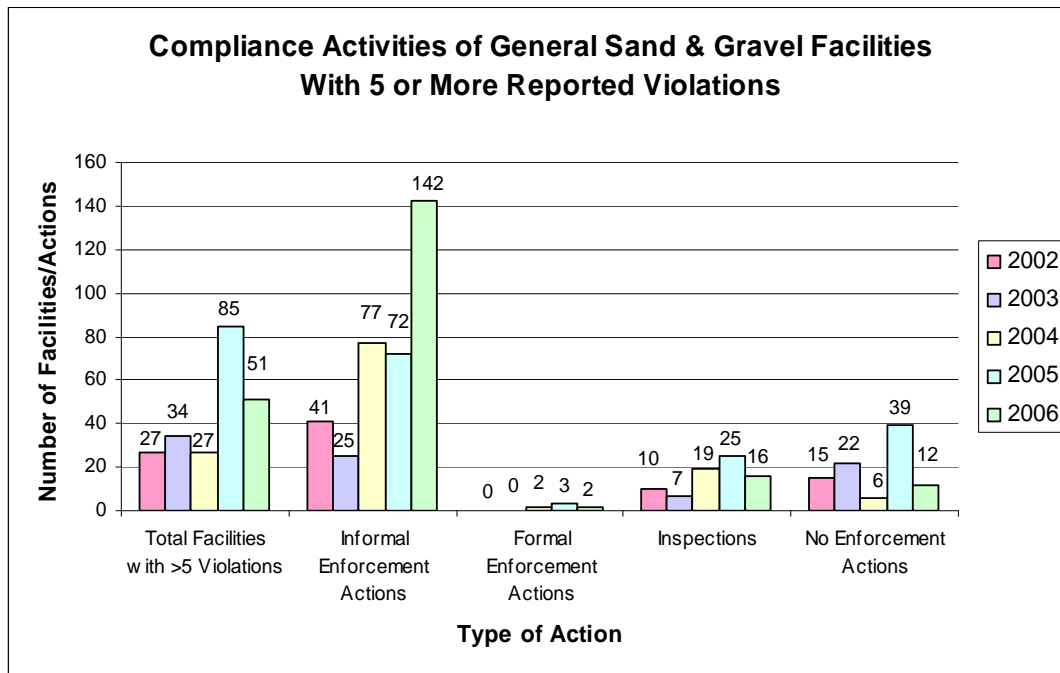


Figure 49

Water treatment plant

The water treatment plant general permit is issued to the water treatment plant industry operating in the state of Washington for the discharge of wastewater resulting from the production of potable water. Water treatment plants that provide primary treatment and produce “industrial water” will also be included if water treatment is the primary function of the facility. The general permit has been developed to provide coverage for wastewater discharge from water treatment plants that discharge filter backwash and sedimentation basin waste to surface waters of the state and that can *produce* up to 50,000 gallons per day. The general permit does not provide coverage for wastewater resulting from ion exchange or reverse osmosis, nor for water treatment plants with a maximum production capacity of less than 50,000 gallons a day.

This general water treatment plant permit establishes technology-based effluent limitations for pollutants of concern. These include wastes from the filtered backwash water that the industry generates, such as: pH and settleable solids. There is a water quality-based limit for chlorine for all new plants and a compliance schedule for implementing treatment if it is required for all existing plants.

Ecology permit managers are responsible for ensuring compliance at the permitted water treatment plants. It is achieved using both informal and formal tools. Informal tools include technical assistance calls, visits, or e-mails; warning letters; and Notices of Correction. Formal enforcement tools can include Administrative Orders, Notices of Violation, and penalties.

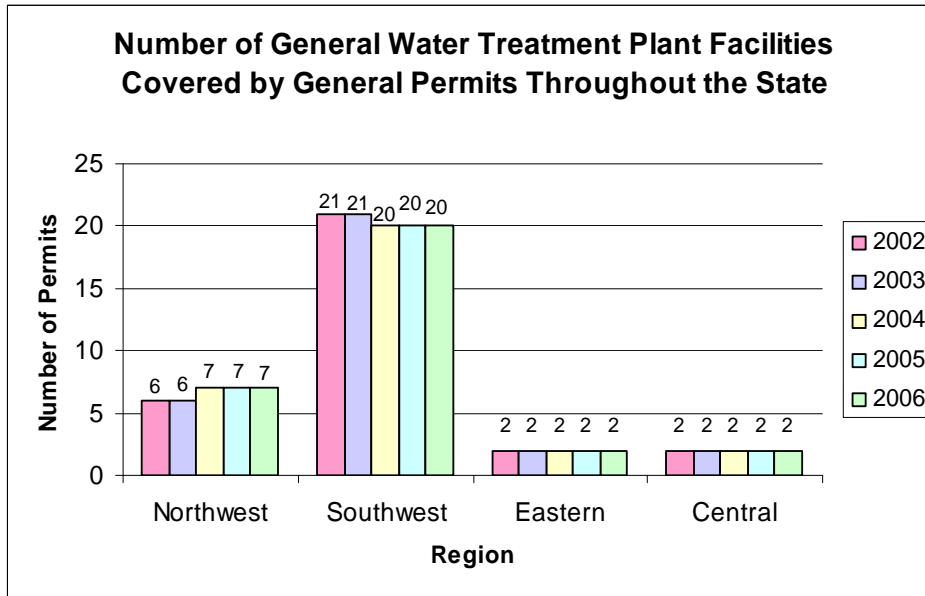


Figure 50

What violations occurred

For general water treatment plant facilities the number of compliance opportunities decreased from 2002 to 2006 by 1,306. Compliance increased proportionally. The number of violations that exceeded 20 percent of the permitted limits decreased by 6 from 2002 to 2006 (Figure 51).

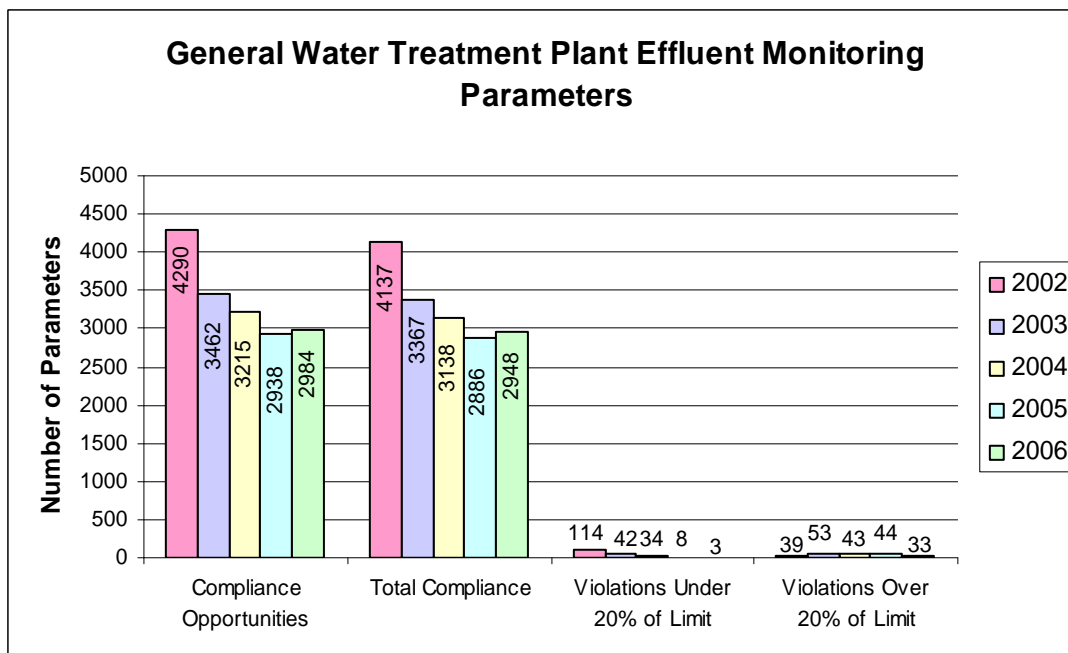


Figure 51

The compliance rate increased for water treatment plant facilities throughout most the state. The eastern region had the lowest compliance rate at 97 percent (Figure 52).

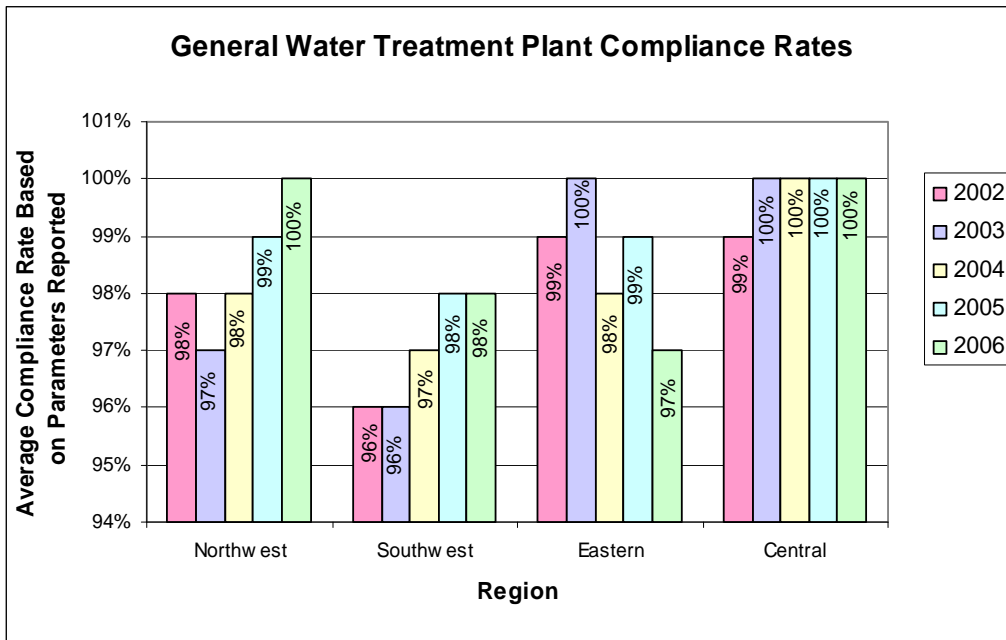


Figure 52

The statewide compliance rate for general water treatment plant facilities has increased by 2.4 percent from 2002 (Figure 53).

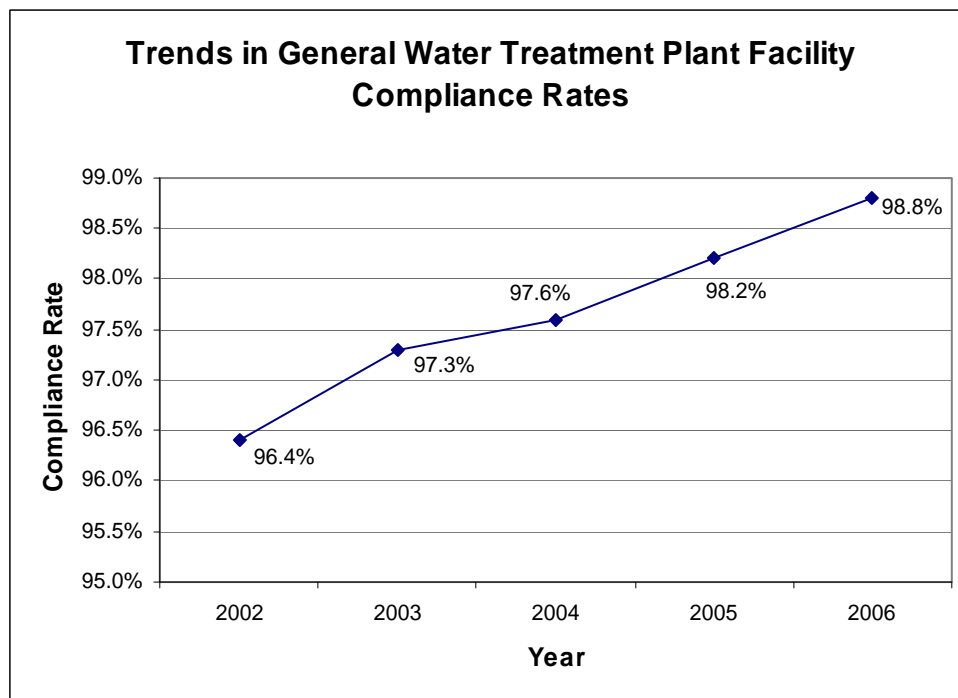


Figure 53

Ecology focuses resources on facilities with five or more violations per year as one way to improve compliance. The number of facilities with five or more violations decreased from 9 in 2002 to 1 in 2006 (Figure 54).

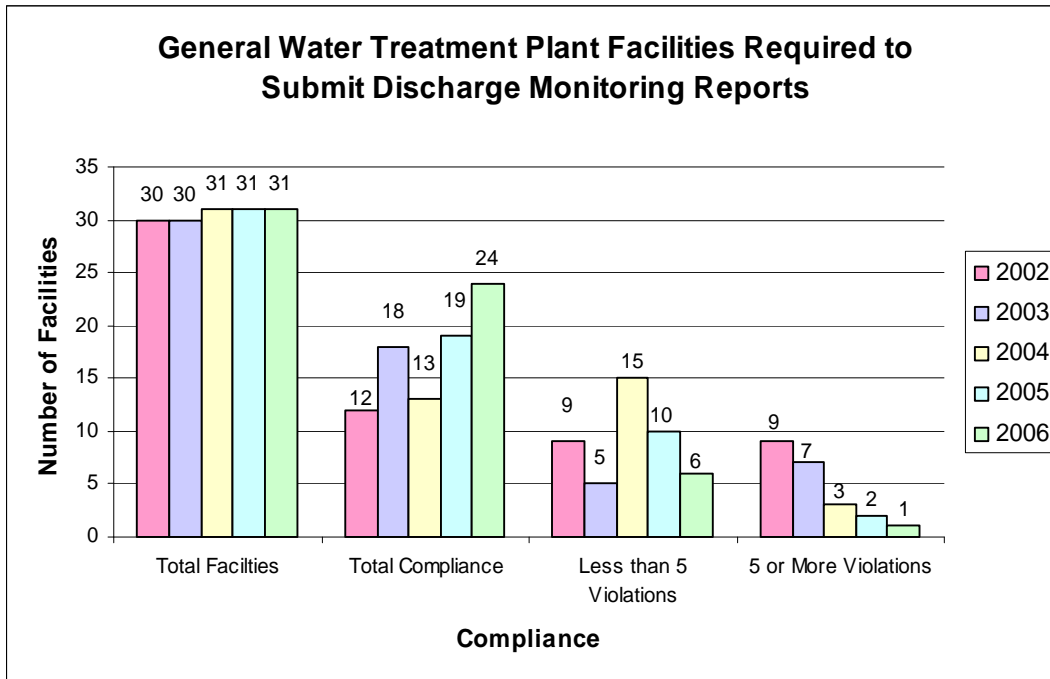


Figure 54

The highest percentage (5 percent) of violating water treatment plant facilities occurred in Ecology’s southwest region (Figure 55).

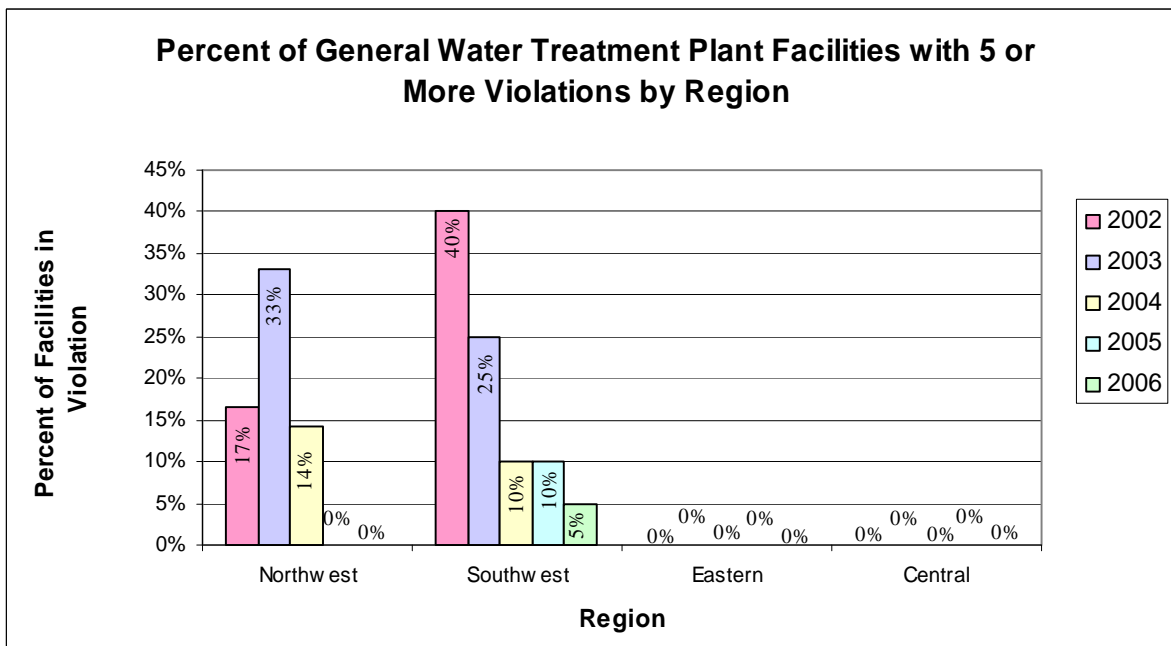


Figure 55

What actions were taken

In 2006, 38 enforcement actions were taken to improve water treatment plant compliance in 2006 (Figure 56).

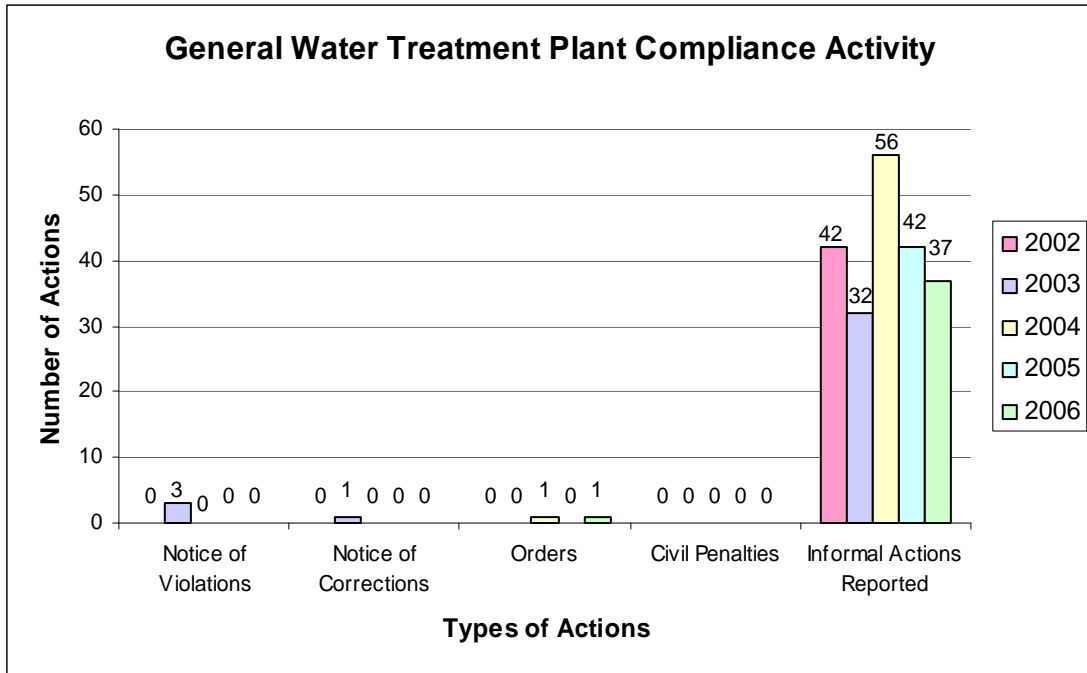


Figure 56

There were no facilities with more than five violations that did not receive any enforcement actions in 2006 (Figure 57).

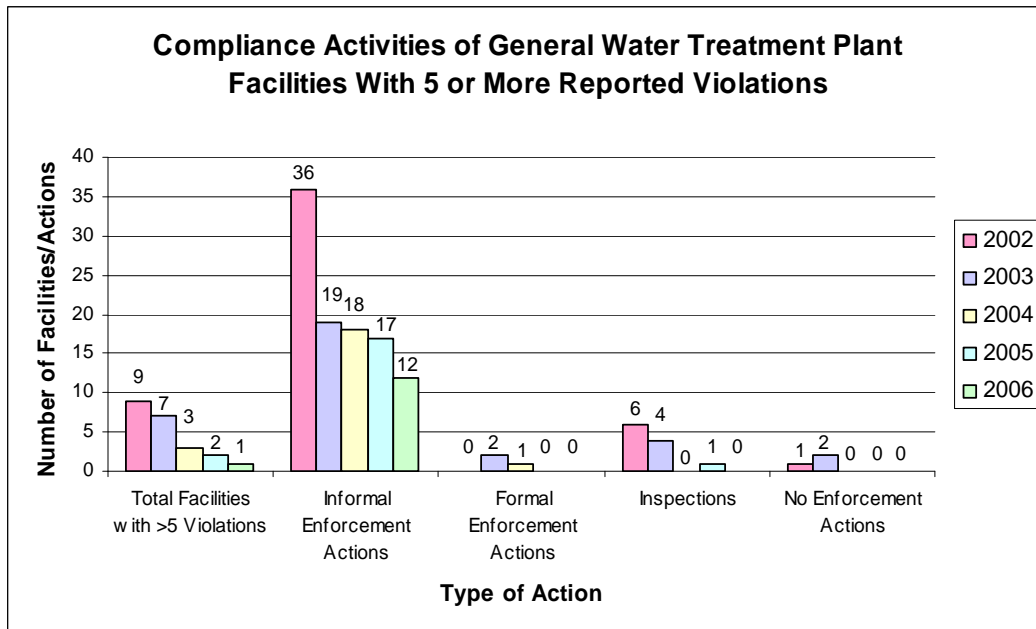


Figure 57

Stormwater

Stormwater is rain and snow melt that runs off surfaces such as rooftops, paved streets, highways, and parking lots. As water runs off these surfaces, it can pick up pollution such as: oil, fertilizers, pesticides, soil, trash, and animal waste. From here, the water might flow directly into a local stream, bay, or lake. Or, it may go into a storm drain and continue through storm pipes until it is released *untreated* into a local waterway.

Phase I stormwater NPDES permits cover stormwater discharges from certain industries, construction sites involving five or more acres, and municipalities with a population of more than 100,000.

Ecology regulates stormwater discharges from industries and construction sites under separate general permits. These permits require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP for construction sites is primarily a temporary erosion and sediment control plan. The SWPPP for industrial facilities is a documented plan to identify, prevent, and control the contamination of stormwater discharges.

The municipal stormwater permits require the implementation of a **stormwater management program**. The stormwater management program is a plan to reduce the discharge of pollutants, reduce impacts to receiving waters, eliminate illegal discharges, and make progress towards meeting surface water, groundwater and sediment standards. The current municipal Phase I permits expired in 2000. Ecology is in the process of reissuing the municipal stormwater permits for Phase I entities. This includes issuing a separate general permit for Washington State Department of Transportation.

The public entities covered under Phase I Municipal Stormwater NPDES permits include:

- King County
- Pierce County
- Snohomish County
- Clark County
- City of Seattle
- City of Tacoma
- Washington State Department of Transportation (WSDOT)
Ecology will issue a separate permit for WSDOT.

The number of general stormwater permits by type can be seen in Figure 58. The monitoring data for the industrial stormwater is incomplete at this time, but will be available in future reports.

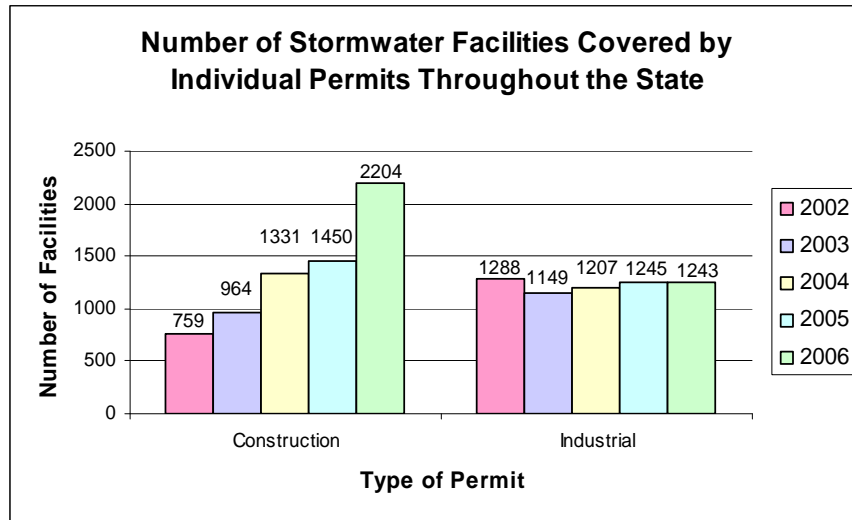


Figure 58

Dairy permits

Ecology regulated dairies until July 1, 2003, when functions pertaining to the regulation of dairies and Animal Feeding Operations were transferred to the Department of Agriculture. This transition phase will continue until the Department of Agriculture receives full NPDES delegation from the US EPA. As part of the transition, Ecology completed enforcement actions that were in progress at the time of the transition. Ecology continues to perform enforcement on nonpoint facilities, but enforcement on permitted or point source facilities is conducted by the Department of Agriculture. For more information on the Department of Agriculture's program, including enforcement, see their website at: <http://agr.wa.gov/FoodAnimal/Livestock-Nutrient/Livestocknutrient.htm>.

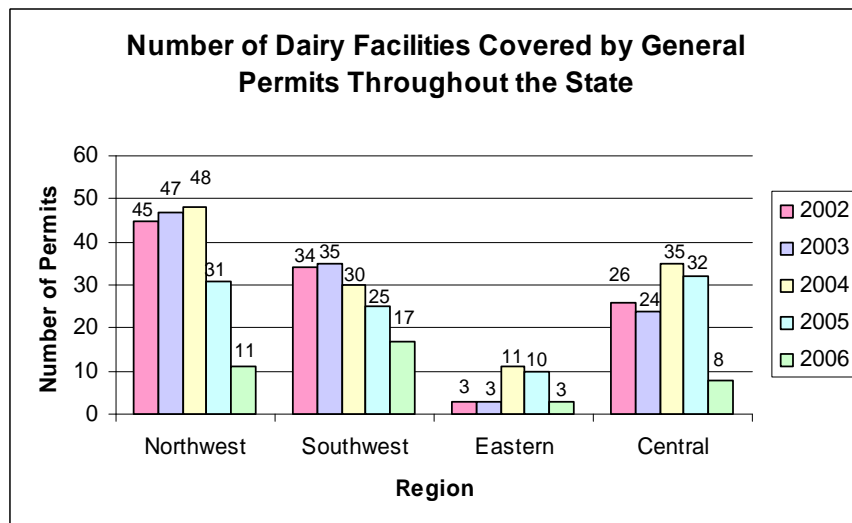


Figure 59

Nonpoint Compliance

Introduction

Nonpoint water pollution is defined as “pollution that enters any waters of the state from any dispersed land-based or water-based activities ...not otherwise regulated under the National Pollutant Discharge Elimination System program (NPDES).” (Chapter 173-201A-020 WAC) Forty-four separate state laws apply to nonpoint water pollution and are administered by 13 separate agencies. Most county and municipal jurisdictions also have ordinances that control nonpoint source pollution.

The inclusion of the municipal stormwater program and use of NPDES general permits for boatyards, sand and gravel operations, construction sites, and dairies have reduced the size of the nonpoint universe. The forest practices program and non-permitted aquatic pesticide control continue to control nonpoint source pollution. Specific strategies to reduce nonpoint pollution often include developing total maximum daily loads (TMDLs) for nonpoint parameters. TMDLS require work with local basin groups to identify strategies for implementing nonpoint controls. The primary thrust for compliance is pollution prevention through technical assistance and information for landowners.

When efforts to prevent pollution fail, Ecology approaches the local authority or jurisdiction and works with their staff to settle the matter at the lowest level of enforcement. Developing and fostering these relationships is key to preventing and minimizing pollution problems. For violations causing significant environmental harm that is not pursued by a local authority, Ecology may take formal enforcement action.

Nondairy agricultural compliance

Nonpoint sources are the leading cause of water pollution across the nation and in Washington. Water Quality staff offer technical assistance to agricultural operations, stormwater, forestry, and aquatic pesticide activities. These operations generally address pollution through the use of best management practices (BMPs).

Technical studies in our state show that farms (producing crops and raising livestock) can contribute to water pollution. This is particularly true when runoff from several small farms in one watershed combines to create an even greater water quality problem. To help address agricultural sources of water pollution, the Washington Conservation Commission, local conservation districts (CDs), and Ecology entered into the Agricultural Compliance Memorandum of Agreement in 1988. The agreement defines steps that coordinate Ecology’s water pollution control responsibilities with CD programs that provide technical assistance to landowners and farm operators. Through the local CD office, a farm owner or operator may receive technical assistance to help develop and implement a water quality management plan, or “farm plan.”

Nonpoint compliance associated with the Governor's Salmon Recovery Plan

The Governor's Salmon Recovery Plan seeks to ensure compliance with water quality laws and protect fish through a balanced program of education, technical assistance, and cost sharing within a regulatory framework. To put this strategy in place, the Legislature initially funded three Full Time Employees (FTEs) at Ecology for water quality compliance on behalf of salmon recovery. These positions were subsequently lost to budget reductions.

For agricultural activities the state provides millions of dollars for conservation districts and the Natural Resource Conservation Service for technical assistance. Nearly \$200 million are also provided for cost sharing under the Conservation Reserve Enhancement Program (CREP) and other financial assistance programs.

A balanced program consists of enforcement where voluntary efforts alone do not achieve compliance. Enforcement does not necessarily mean a penalty. Ecology's policy uses the mildest enforcement necessary to achieve compliance. In many cases, this can consist of a Notice of Correction, Notice of Violation, or an Administrative Order.

Ecology works with local watershed groups to identify areas where enforcement may be necessary. It may be an element of a TMDL, or triggered by a shellfish closure, or by lack of voluntary compliance. Limiting factors analysis for salmon restoration may also indicate where enforcement may be appropriate. Actions that would trigger enforcement include:

- Repeat violations
- Follow-up to an initial inspection
- Referrals from local governments and conservation districts

When viewed in the context of programs like CREP, the cost of enforcement represents a very small percentage of the overall strategy. At the same time, it serves as a backstop to encourage people to move forward in a voluntary manner.

Timber, Fish, and Wildlife (TFW) compliance

The Department of Natural Resources (DNR) assumes the lead agency role for enforcement of forest practices. Ecology approves the water quality rules that are adopted by the Forest Practices Board. Ecology provides the DNR and landowners with assistance on water quality issues as forest practices are proposed.

Ecology may take independent action under its enforcement authority in Chapter 90.48 RCW. However, this occurs only after consultation with the DNR, and only if the non-compliance with water quality standards occurred as a result of violations of the forest practices rules and any forest practice permits or enforcement orders.

Under the Forest Practices Act, Chapter 76.09.100 RCW, if Ecology determines that a person has failed to comply with the forest practices rules relating to water quality protection and the DNR has not issued a notice to comply or stop work order, Ecology informs the DNR. If the DNR does not take action within 24 hours, then Ecology may petition the chair of the Forest Practices Appeals Board to require the DNR to take action.

Pesticide compliance

Use of aquatic pesticides

In 2001, the Ninth Circuit Court decision (Talent) established the need for NPDES permits for the application of aquatic pesticides. Since the Talent decision, Ecology has issued short-term modifications through NPDES permits for pesticides that could impact aquatic systems. Ecology issued the following permits for pesticide applications:

- An individual permit for the control of ghost shrimp with carbaryl to the Oyster Grower's Association.
- An individual permit to the Department of Agriculture for the control of invasive moths.
- An individual statewide permit to the Department of Fish and Wildlife for use of rotenone.

Ecology has also issued a number of NPDES general permits for pesticide application including permits to:

- Eradicate or control state-listed noxious and quarantine weed species
- Control nuisance weeds
- Control aquatic plant growth in irrigation canals
- Control mosquitoes

Because of the more recent Ninth Circuit Court decision (Fairhaven vs. Hager), as well as an EPA rule likely to be promulgated early in 2006, Ecology will be issuing general and individual permits under both state and federal permitting authority beginning in 2006.

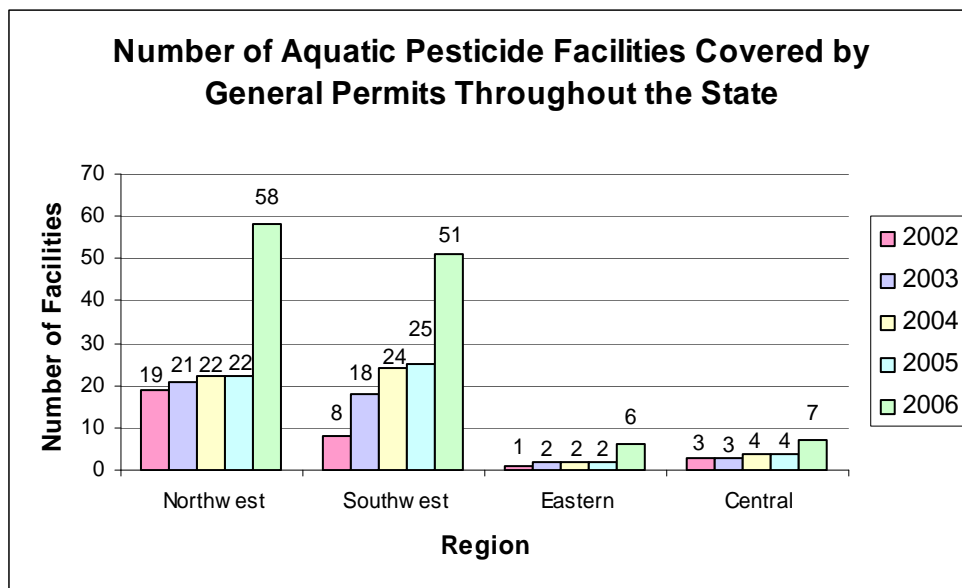


Figure 60

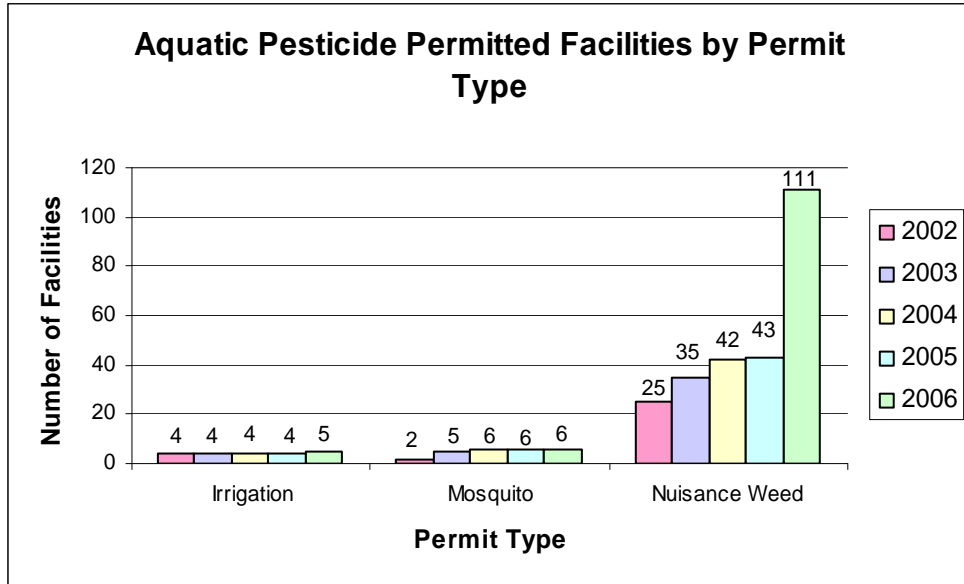


Figure 61

Summary

The total number of permits Ecology issues continues to incrementally increase, although the same number of staff are available to conduct enforcement. This continues to force the agency to prioritize which of many compliance problems are most harmful to the environment.

The compliance rate remains high for individually permitted municipal and industrial facilities based on the number of parameters each facility must report through the DMRs. The number of municipal and industrial facilities with five or more violations has decreased. The number of industrial facilities has increased; however, the number of parameters monitored by these facilities has decreased in the last two years.

Ecology hopes this report will inform the Department as well as the public. We would appreciate receiving constructive comments from users of this information, so that next year's report can be improved.

Appendix

Table 1. Expanded Major Laws and Regulations Administered by the Water Quality Program.

| TITLE | STATE LAW | STATE RULE | FEDERAL RULE |
|--|--------------------|--|---------------------|
| Water Pollution Control | Chapter 90.48 RCW | | |
| Technical Assistance Programs | Chapter 43.05 RCW | | |
| Pollution Control Hearings Board | Chapter 43.21B RCW | | |
| Forest Practices Act | Chapter 76.09 RCW | | |
| Dairy Nutrient Management Act | Chapter 90.64 RCW | | |
| Protection of the Environment | | | CFR Title 40 |
| Water Quality Standards for Ground Water | | Chapter 173-200 WAC | |
| Water Quality Standards for Surface Waters | | Chapter 173-201A WAC | |
| Forest Practices Rules and Regulations to Protect Water Quality | | Chapter 173-202 WAC | |
| Whole Effluent Toxicity Rule | | Chapter 173-205 WAC | |
| State Waste Discharge Permit System | | Chapter 173-216 WAC | |
| National Pollutant Discharge Elimination System Permit Program | | Chapter 173-220 WAC | |
| Discharge Standards and Limitations for Domestic Wastewater Facilities | | Chapter 173-221 WAC | |
| Certification of Operators of Wastewater Treatment Plants | | Chapter 173-230 WAC | |
| Submission of Plans and Reports for Construction of Wastewater Facilities (CSO Facilities) | | Chapter 173-240 WAC Chapter 173-245 WAC | |

Revised Code of Washington (RCW)
 Washington Administrative Code (WAC)
 Code of Federal Regulations (CFR)

Table 2. Types of General Permits Issued by the Department of Ecology

| PERMIT TYPE | # OF CURRENTLY ACTIVE PERMITS | DISCHARGE DESCRIPTION |
|--|--------------------------------------|--|
| NPDES Major | 79 | A wastewater discharge permit issued to a facility that discharges wastewater to surface water and is deemed to be a “major” discharger by the EPA and the state of Washington. A “major discharger” is a facility discharging to surface water that scores 80 or more points on the EPA NPDES permit rating work sheet. The criteria evaluated include: toxic pollutant potential, wastewater flow and stream flow volumes, conventional pollutant loading, potential for public health impact, potential for water quality impact, proximity to near coastal waters. |
| NPDES Minor | 348 | A wastewater discharge permit issued to a facility that discharges wastewater to surface water and is deemed to be a “minor” discharger by the EPA. A “minor discharger” is a facility discharging to surface water that scores less than 80 points on the EPA NPDES permit rating work sheet. |
| State to Ground Water | 172 | A wastewater discharge permit issued to a facility that discharges wastewater by land application to underground water. |
| State to POTW | 169 | A wastewater discharge permit issued to a commercial or industrial facility that discharges wastewater to a municipal sanitary sewerage system. |
| NPDES Stormwater Construction General Permit | 2204 | All building construction activities clearing five or more acres of land. |
| NPDES Industrial Stormwater General Permit | 1243 | All industries with a surface water discharge that has a potential to pollute state waters. |
| Municipal Stormwater General Permit | 7 | Stormwater discharge is the runoff from roofs, pavement, and compacted surfaces in urban areas that have the potential to pollute state waters. |
| Boatyard General Permit | 95 | Commercial business engaged in the construction, repair, and maintenance of small vessels, 85 percent of which are 65 feet or less in length or which constitute less than 85 percent of gross receipts. |
| Dairy General Permit | 39 | Commercial dairy farms meeting the definition of a concentrated animal feeding operation (CAFO) are required to apply for permit coverage and develop and implement a dairy nutrient management plan to strictly limit the discharge of manure and contaminated runoff to surface or ground water. |
| Fish Hatchery General Permit | 79 | All upland fin-fish hatching or rearing facilities that discharge at least 30 days a year to surface waters of the state which: produce more than 20,000 lbs. of fish per year, or feed more than 5,000 lbs. of fish food in any one calendar month, or are considered to be a significant contributor of pollution as determined by Ecology. |
| Fresh Fruit Packer General Permit | 186 | All new and existing fresh fruit packing facilities that receive, pack, store, and/or ship either hard or soft fruit. |
| Water Treatment Plant General Permit | 31 | Discharges of wastewater from the production of potable water at facilities with a maximum production capability of 50,000 gallons per day. Plants producing industrial water are also included if water treatment is their primary function. |
| Sand and Gravel General Permit | 924 | Discharges of process water, mine dewatering water, and stormwater associated with sand and gravel operations, rock quarries, and similar mining operations, including stockpiles of mined materials. Also covers concrete batch operations and hot mix asphalt production. |