NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
Permit No. EFSEC 2002-01

State of Washington
ENERGY FACILITY SITE EVALUATION COUNCIL
Olympia, Washington 98504-3172

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

State of Washington Energy Siting Law
Chapter 80.50 Revised Code of Washington; and

Federal Water Pollution Control Act
(Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

BP CHERRY POINT COGENERATION PROJECT
BP West Coast Products LLC
4519 Grandview Road
Blaine, Washington 98230

Final
_____, 2004

Facility Location:	Stormwater Discharge Location:
4519 Grandview Road Blaine, Washington. 98230	Discharges into Terrell Creek, a tributary to the Strait of Georgia
Industry Type: Electric Generating Plant (SIC 4911)	

BP West Coast Products, LLC is authorized to discharge in accordance with the special and general conditions that follow.

Date: _____

_____
Chair, Energy Facility Site Evaluation Council

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SUMMARY OF PERMIT STUDIES AND REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements. If there is a difference between requirements in this table and permit text, the text of the permit shall supercede the table.

Condition	Study/Submittal Requirement	Frequency	Report Submittal Date
S2.A.	Priority Pollutant Metal Testing	Quarterly the first year, semi-annually thereafter	Within 60 days of each test event with corresponding DMR
S2.B	Process Stormwater Characterization	2/permit cycle (90 days after startup or at beginning of commercial operation and prior to permit renewal)	Within 120 days of analysis for first characterization and with permit renewal application
S3.	Reporting Non-Routine and Unanticipated Discharges	As necessary	
S4.A	Discharge Monitoring Report	Monthly	
S4.E	Noncompliance Notification	As necessary	
S5.	Engineering Report for Construction or Modification Activities		180 days prior to construction of waste-water/stormwater treatment or control facilities
S6.A.	Treatment System Operating Plans (TSOPs)		90 days prior to beginning construction and 90 days prior to startup or beginning commercial operation
S6.A.	TSOP Updates	As necessary	
S6.B.	Reporting Bypasses	As necessary	

Condition	Study/Submittal Requirement	Frequency	Report Submittal Date
S7.A	Solid Waste Control Plan	90 days prior to beginning construction	
S7.A	Solid Waste Control Plan Update		With renewal application
S8.A	Construction Phase Spill Plan		90 days prior to beginning construction
S8.B	Operations Spill Plan		Six months prior to beginning commercial operation
S8.C	Spill Plan Updates	Annually, as needed	
S9.A	Construction Stormwater Pollution Prevention Plan (SWPPP)		90 days prior to beginning site preparation
S9.B	Operations Stormwater Pollution Prevention Plan		90 days prior to beginning commercial operation
S9.D.	Stormwater Pond BMPs	Stormwater ponds constructed prior to any other site preparation Periodic cleaning and inspection, check and record depth of solids annually, full inspection once every 5 years	

Condition	Study/Submittal Requirement	Frequency	Report Submittal Date
S9.D.	Oil/Water Separator BMPs	Depth of oil measured once a month, oil and sludge removal as necessary	
S9.E.	SWPPP Modifications		30 days prior to implementing proposed changes
S9.F.	SWPPP Inspections	2/year – during wet season and dry season	
S9.F.	Notification of Unpermitted Non-Stormwater to Stormwater Drainage System	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities		180 days prior to construction of stormwater treatment or control facilities
G7	Application for Permit Renewal	1/permit cycle	By _____
G8.	Notice of Permit Transfer	As necessary	
G20.	Reporting Anticipated Non-compliance	As necessary	
G21.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

The permittee is authorized to discharge stormwater at the approved locations subject to meeting the following limitations:

A. GENERAL

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Metal concentrations in the stormwater discharge shall not exceed surface or ground water quality standards. The stormwater pond outfall is the point for determining compliance with these standards.

B. STORMWATER DISCHARGES

Discharges of stormwater must comply with the requirements listed elsewhere in this permit and are subject to the following effluent limitations:

EFFLUENT LIMITATIONS

Parameter	Daily Maximum[a]	Monthly Average[b]
Oil and grease	15 mg/L	10 mg/L[c]
Total Suspended Solids	25 mg/L	15 mg/L
Toxics	No toxics in toxic amounts[d]	

[a] The daily maximum effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant during a calendar day. The daily discharge is the average measurement of the pollutant over the day.

[b] The monthly average effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the maximum daily effluent limitation applies to that sample.

[c] The oil and grease concentration shall not exceed 10 mg/l more than three days each month.

[d] "No toxics in toxic amounts" is generally evaluated by comparing the results of priority pollutant testing to state and federal water quality standards to determine compliance. Terrell Creek is the point for determining compliance with this standard.

S2. MONITORING REQUIREMENTS

A. MONITORING SCHEDULE – STORMWATER DISCHARGES

Beginning at commencement of construction and lasting through the five-year permit cycle, the permittee shall monitor the discharge of the stormwater (when flowing) to Terrell Creek wetlands as follows:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Oil and Grease	mg/L	Pond outfall	Weekly or at each discharge event if batch	Grab
Total Suspended Solids	mg/L	Pond outfall	Weekly (or at each discharge event if batch)	24-hour composite or composite of hourly grab samples if batch discharge
Visible sheen[a]	--	Pond outfall	Weekly	Visual check
Priority Pollutant Metals	µg/L	Pond outfall	Quarterly the first year, semi-annually thereafter	24-hour composite or composite of hourly grab samples if batch discharge
EPA Form 3510-2F	µg/L	Pond outfall	Within 90 days of startup or after beginning commercial operation and prior to permit renewal	24-hour composite or composite of hourly grab samples if batch discharge

[a] If a visible sheen is observed at the pond outfall, the permittee shall investigate for a possible oil source, make sure the oil/water separator is operating properly, and take corrective action as necessary.

B. STORMWATER CHARACTERIZATION

Twice within the five-year period established for these discharge conditions, the permittee shall perform a complete analysis of the stormwater discharges for the parameters in EPA's Form 3510-2F to fully characterize these discharges. The first characterization shall be performed within 90 days of start-up of the cogeneration plant or upon beginning commercial operation, whichever is first. The results of the first characterization shall be submitted to the Council within 120 days of conducting the analysis. The second characterization shall be performed prior to the renewal date of the permit. The results of the second characterization shall be submitted with the application for permit renewal.

All analyses for metals shall use the methods given in 40 CFR Part 136 and be reported as total recoverable. The minimum detection levels used for the analyses shall be as follows:

POLLUTANT PARAMETER	DETECTION LIMIT REQUIRED
Copper	1.0 µg/L
Lead	1.0 µg/L
Nickel	1.0 µg/L
Chromium	1.0 µg/L
Zinc	2.0 µg/L
Cadmium	0.1 µg/L
Selenium	2.0 µg/L
Silver	0.2 µg/L
Mercury	0.2 µg/L
Arsenic	1.0 µg/L

The permittee shall use clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034) for collection of metals samples. Effluent samples shall be collected as 24-hour composite samples or a composite of hourly grab samples if the discharge is batch. The results of the stormwater characterization sampling may be used to satisfy the priority pollutant metal monitoring requirements for the corresponding time periods.

C. SAMPLING AND ANALYTICAL PROCEDURES

Samples and measurements taken to meet the requirements herein shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, such as bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified herein shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified herein or approved in writing by the Council.

D. LABORATORY ACCREDITATION

All monitoring data required by the Council shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, and internal process control parameters are exempt from this requirement.

E. FUTURE MONITORING REQUIREMENTS

The Council will review the reports and sample results to determine if additional testing or monitoring is required.

The Council, working with the permittee, will take the necessary measures to identify effluent characteristics to ensure discharges are consistent with water quality standards and the conditions of the Site Certification Agreement.

S3. NON-ROUTINE AND UNANTICIPATED DISCHARGES

Beginning on the effective date of the Site Certification Agreement, the Applicant may discharge non-routine wastewater on a case-by-case basis if approved in advance by the Council. Prior to any such discharge, the Applicant shall contact the Council and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.

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

3. The total volume of water expected to be discharged.

4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Applicant's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameters deemed necessary by the Council. All discharges must comply with the effluent limitations as established in this Site Certification Agreement,

water quality standards, sediment management standards, and any other limitations imposed by the Council.

5. The date of the proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances and exits.

6. If the proposed discharge is to a municipal storm drain and is approved by the Council, the Applicant shall notify the municipality of the discharge.

The discharge cannot proceed until the Council has reviewed the information provided and has authorized the discharge.

S4. REPORTING AND RECORDKEEPING REQUIREMENTS

The permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Council shall constitute a violation of the terms and conditions of the Site Certification Agreement.

A. REPORTING

The first monitoring period begins at commencement of construction of the cogeneration facility. Monitoring results for oil/water separator and stormwater discharges shall be submitted monthly. Monitoring results obtained during the previous month shall be summarized and reported on an approved Discharge Monitoring Report (DMR) postmarked no later than the 15th day following the end of the month. Duplicate signed copies of the DMRs shall be submitted to the Council and the Department of Ecology at the following addresses:

EFSEC P.O. Box 43172 Olympia, WA 98504-3172	Department of Ecology Industrial Section P.O. Box 47706 Olympia, WA 98504-7706

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

DMRs must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given month, the form is submitted with the words "no discharge" entered in place of the monitoring results.

B. RECORDING OF RESULTS

For each measurement or sample taken, the permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

C. ADDITIONAL MONITORING

If the permittee monitors any pollutant more frequently than required by these conditions using test procedures specified herein, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

D. RECORDS RETENTION

The permittee shall retain for a minimum of 3 years all records of monitoring activities and results, including all reports of recordings from continuous monitoring instrumentation. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Council.

E. NONCOMPLIANCE NOTIFICATION

In the event the permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;

2. Repeat sampling and analysis of any violation and submit the results to the Council within 30 days after becoming aware of the violation;

3. Immediately notify the Council and Ecology of the failure to comply; and

4. Submit a detailed written report to the Council within 30 days, unless requested earlier by the Council, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the terms and conditions of the Site Certification Agreement (SCA) or the resulting liability for failure to comply.

F. MAINTAINING A COPY OF THIS PERMIT

A copy of this permit must be kept at the facility and be made available upon request to EFSEC inspectors or their authorized representative.

S5. ENGINEERING REPORT

At least 180 days prior to construction of any stormwater treatment or control facilities, two copies of an approvable engineering report shall be prepared by the permittee in accordance with WAC 173-240 and submitted to the Council for review and approval.

The report shall contain any appropriate requirements as described in *State Requirements for Submission of Engineering Reports and Plans for Industrial Wastewater Treatment Facilities* (Washington State Department of Ecology, December 2000).

In addition to these requirements, the engineering report shall include:

1. A determination of the maximum level of solids that will be allowed in the stormwater detention ponds to meet the design standard on an on-going basis.

S6. OPERATION AND MAINTENANCE

The permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance shall include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. TREATMENT SYSTEM OPERATING PLANS

Treatment System Operating Plans (TSOPs) shall be prepared for the oil/water separators, and stormwater control and treatment systems by the permittee in accordance with Chapter 173-240-150 WAC. The TSOP for the construction phase shall be submitted to the Council for approval ninety (90) days prior to starting site preparation of the facilities. The TSOP for the operations phase shall be submitted to the Council for approval ninety (90) days prior to completing construction.

The approved TSOPs shall be kept available at the facility and all operators shall follow the instructions and procedures of these manuals.

In addition to the requirements of WAC 173-240-150(1) and (2), the TSOPs shall include the following information:

1. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.

2. 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 oil/water separators, and stormwater systems and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

3. A description of procedures for periodically checking the sediment levels in the stormwater detention ponds and cleaning them out when the maximum level of solids (as defined in the engineering report) is reached.

This plan shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system. An updated Treatment System Operating Plan for the operations phase shall be submitted to the Council with the application for renewal 180 days prior to expiration of the permit.

B. BYPASS PROCEDURES

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Council may take enforcement action against a permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Council prior to the bypass. The permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

   This bypass is permitted 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. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

c. The Council is properly notified of the bypass as required in condition S4.E. of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The permittee shall notify the Council at least thirty (30) days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Council will consider the following prior to issuing an administrative order for this type bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

b. If there are feasible alternatives to bypass, 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.

c. If the bypass is planned and scheduled 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, the Council will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Council under RCW 90.48.120.

C. DUTY TO MITIGATE

The permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S7. SOLID WASTE DISPOSAL

A. SOLID WASTE CONTROL PLAN

Ninety (90) days prior to commencement of construction, the permittee shall submit a Solid Waste Control Plan to the Council for review and approval. This plan shall address all solid wastes with the exception of those solid wastes regulated by Chapters 463-40 and 173-303 WAC (Dangerous Wastes). The Solid Waste Control Plan shall include a general description and the composition, source, generation rate and frequency, and disposal methods of these solid wastes. This Solid Waste Control Plan shall be consistent with applicable sections of Chapters 173-304 and 173-350 WAC and any approved local solid waste management plan. The permittee shall comply with the plan as approved by the Council. The permittee shall submit an update of the solid waste control plan with the application for renewal of the permit.

B. RESIDUAL SOLIDS HANDLING

The permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water, and consistent with Chapters 173-304 and 173-350 WAC. Prior to operation, the proposed means for removal and disposal of the accumulated solids in the storage/evaporation ponds shall be positively identified. Investigations, analyses, evaluations and findings sufficient to demonstrate that these solids can be properly removed and disposed of in compliance with applicable regulations and

requirements shall be addressed in a report and provided to the Council for approval.

C. LEACHATE

The permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of control and/or 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.

S8. SPILL PLANS

A. CONSTRUCTION PHASE SPILL PLAN

Ninety (90) days prior to the start of site preparation, the permittee shall submit a spill control plan to the Council for review and approval. The spill control plan shall provide for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in Chapter 173-303-070 WAC, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The spill control plan shall include the following:

1. A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.

2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.

3. A list of all oil and chemicals used, processed, or stored at the facility which may potentially be spilled into state waters.

The construction phase spill plan shall be implemented prior to the beginning of site preparation. The permittee shall require all contractors working on the facility to follow a spill plan consistent with the requirements of this permit condition.

B. OPERATIONS SPILL PLAN

Six (6) months prior to beginning commercial operation, the permittee shall submit a spill control plan to the Council for review and approval. The permittee shall provide a copy to Ecology at the same time the plan is submitted to EFSEC. The spill control plan shall provide for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled or otherwise released into the environment, are designated

Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in Chapter 173-303-070 WAC, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters.

1. The operations spill plan shall be prepared by a professional engineer that meets applicable requirements of 40 CFR Part 112, Sections 311 and 402 of the Clean Water Act and Section 402 (a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080, and that includes the amount and type of hazardous materials to be stored at the Site, patterns of usage, transfer procedures, material specification sheets for all hazardous materials and other factors that shall indicate the magnitude of the spill potential and hazardous impact.

2. The operations spill plan shall describe the following information, when applicable: procedures for securing valves, type of gauges, basis of dike size, capacity and design, inspection procedures, personnel training, emergency procedures and spill notification requirements.

3. The operations spill plan shall include the location and topographic maps, accurate diagrams of the materials storage tanks, dike(s), piping, valves, transfer pad(s) and other significant components of the hazardous material storage systems.

4. The diesel oil storage tank shall be contained in a manner consistent with 40 CFR Part 112 and applicable state and local rules and regulations. The containment dikes shall include a barrier that is sufficiently impervious to primary containment.

5. The design of all diesel oil and hazardous material tank containment shall address stormwater management.

C. PLAN UPDATES

The permittee shall review and update the operations Spill Plan, as needed, at least annually. Changes to the plan shall be submitted to EFSEC. The plan and any supplements shall be followed throughout the term of the permit.

S9. STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

A. CONSTRUCTION PHASE STORMWATER POLLUTION PREVENTION PLAN

Ninety (90) days prior to beginning site preparation, the permittee shall submit a construction SWPPP to the Council for approval. The plan shall be prepared in accordance with the objectives and requirements in Special Condition S.9. of the *National Pollutant Discharge Elimination System and State Waste Discharge*

General Permit for Stormwater Discharges Associated with Construction Activities issued by the Department of Ecology on October 4, 2000, or as revised.

B. OPERATIONS STORMWATER POLLUTION PREVENTION PLAN

Ninety (90) days prior to beginning commercial operation, the permittee shall submit an operations SWPPP to the Council for approval. The plan shall be prepared in accordance with the guidance provided in the *Stormwater Management Manual for Western Washington* (Washington State Department of Ecology, August 2001) and *Stormwater Pollution Prevention Planning for Industrial Facilities* (Washington State Department of Ecology, September 1993). The plan shall also include a discussion of the various wastestreams contributing to the stormwater pond and identify all implemented BMPs.

C. GENERAL REQUIREMENTS

The permittee shall implement and comply with all elements of the SWPPPs including operational, treatment, and source control best management practices (BMPs), as well as erosion and sediment control BMPs as necessary.

The permittee is responsible for achieving compliance with State of Washington surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923).

When construction and operations are not in compliance with these standards, the permittee shall take immediate action(s) to achieve compliance by implementing additional BMPs and/or improved maintenance of existing BMPs.

D. SPECIFIC BMPS

Stormwater Ponds

Stormwater ponds shall be constructed in accordance with the engineering report submitted to the Council for review and approval (Permit Condition G5.). The ponds shall be constructed prior to the beginning of any other site preparation.

Periodic cleaning and inspection of stormwater system components shall be performed and recorded. Storm drain inlets and manholes and oil water separators above the low water line shall be cleaned and inspected annually. At least once in each five-year period the entire retention pond system and the stormwater drain piping shall be inspected. The entire retention pond system and the stormwater drain piping shall be cleaned and repaired as indicated by the inspection results. Retention pond sediment depth shall be checked and recorded annually. Retention pond cleaning shall be conducted when sediment accumulation exceeds the approved maximum level of solids (as defined in the

engineering report prepared according to the requirements of Condition S.5 Engineering Report above) or when the total suspended solids content of released stormwater indicates that a pond is not capable of retaining settled solids.

Oil/Water Separators

The depth of oil accumulated in the oil/water separators shall be measured and recorded each month. Any unusual or substantial accumulation of oil shall be investigated and the source of oil identified and corrected. Oil and sludge shall be removed from the oil/water separators as experience dictates. Oil and sludge shall be removed and recycled in the refinery process or disposed of by an approved waste disposal operator. Waste disposal and inspections shall be recorded.

E. PLAN MODIFICATIONS

The permittee shall modify the SWPPPs whenever there is a change in design, construction, operation, or maintenance which causes the plan to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the plan are inadequate, the plan shall be modified, as appropriate, and submitted to the Council at least 30 days in advance of implementing the proposed changes for review and approval. The permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

The permittee shall periodically review the operations SWPP against the guidance provided in the Stormwater Management Manual for Western Washington (August 2001) and make modifications as necessary to the plan to comply with current requirements for Best Management Practices (BMPs).

F. IMPLEMENTATION

The permittee shall conduct two inspections per year - one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the permittee shall immediately notify the Council.

G. PLAN EVALUATION

The permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with Condition G1.D., that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Council shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Council shall 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:

1. The authorization is made in writing by a person described above and submitted to the Council.

2. 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.)

C. Changes to authorization. If an authorization under paragraph B.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 B.2 above must be submitted to the Council prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

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

G2. RIGHT OF INSPECTION AND ENTRY

The permittee shall allow EFSEC or its authorized representative, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required in the conditions.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Council's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 463-38-055 according to the procedures of 40 CFR 124.5.

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

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 determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. The Council has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A6, of this section, and the Council determines that modification or revocation and reissuance is appropriate.

2. The Council has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (Condition G8.) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Council of planned physical alterations or additions to the permitted facility, production increases, or process modifications which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the

nature or an increase in quantity of pollutants discharged; or 3) a significant change in the permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any stormwater treatment or control facilities, an engineering report and detailed plans and specifications shall be submitted to the Council for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction of the stormwater treatment or control facilities unless a shorter time is approved by the Council. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the conditions shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

This permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Council.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The permittee, in order to maintain compliance, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The permittee shall submit to the Council, within a reasonable time, all information which the Council 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 shall also submit to the Council upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Council may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($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 shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations 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.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the permittee submitted notice of the upset as required in condition S4.E; and 4) the permittee complied with any remedial measures required under S7 of this permit.

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The permittee shall give advance notice to the Council by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or

other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Council.

G21. REPORTING OTHER INFORMATION

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 the Council, it shall promptly submit such facts or information.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Council as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

1. One hundred micrograms per liter (100 µg/l).
2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:

1. Five hundred micrograms per liter (500µg/L).
2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.