

## Wastewater Disposal Permit 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.

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

Final

\_\_\_\_\_, 2004

<u>Facility Location:</u> 4519 Grandview Road Blaine, Washington. 98230	<u>Process Wastewater Discharge Location:</u> BP West Coast Refinery and Outfall 001
<u>Industry Type:</u> Electric Generating Plant (SIC 4911)	Waterbody name: Strait of Georgia Latitude: 48° 51' 39" N Longitude: 122° 45' 26" W.
<u>Water Body I D No.</u> WA-01-0010	

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

**TABLE OF CONTENTS**

**SUMMARY OF PERMIT STUDIES AND REPORT SUBMITTALS ..... 3**

**SPECIAL CONDITIONS ..... 5**

S1. DISCHARGE LIMITATIONS ..... 5

    A. General..... 5

    B. Process Wastewater Discharges..... 5

S2. MONITORING REQUIREMENTS ..... 6

    A. Monitoring Schedule - Process Wastewater ..... 6

    B. Hydrostatic Testing Wastewater Plan and Characterization..... 7

    C. Process Wastewater Characterization..... 8

    D. Sampling and Analytical Procedures ..... 9

    E. Laboratory Accreditation..... 9

    F. Future Monitoring Requirements..... 9

S3. NON-ROUTINE AND UNANTICIPATED DISCHARGES ..... 9

S4. REPORTING AND RECORDKEEPING REQUIREMENTS ..... 10

    A. Reporting..... 10

    B. Recording of Results ..... 11

    C. Additional Monitoring ..... 11

    D. Records Retention..... 11

    E. Noncompliance Notification..... 11

    F. Compliance Schedules ..... 12

S5. ENGINEERING REPORT ..... 12

S6. OPERATION AND MAINTENANCE..... 12

S7. SOLID WASTE DISPOSAL..... 13

    A. Solid Waste Control Plan..... 13

    B. Residual Solids Handling..... 13

    C. Leachate ..... 13

    D. Sanitary Wastes..... 14

**GENERAL CONDITIONS ..... 14**

G1. SIGNATORY REQUIREMENTS ..... 14

G2. RIGHT OF INSPECTION AND ENTRY ..... 15

G3. REDUCED PRODUCTION FOR COMPLIANCE..... 15

G4. REMOVED SUBSTANCES ..... 15

G5. MODIFICATION, REVOCATION, AND NON-RENEWAL OF THE AUTHORIZATION TO DISCHARGE ..... 15

G6. REPORTING A CAUSE FOR MODIFICATION..... 17

G7. PLAN REVIEW REQUIRED ..... 17

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES ..... 17

G9. PERIODIC REVIEW AND RENEWAL OF AUTHORIZATION TO DISCHARGE WASTEWATER AND SANITARY SEWER WASTES ..... 17

G10. TRANSFER OF THIS PERMIT ..... 18

G11. DUPLICATION OF NOTIFICATIONS, PLANS AND REPORTS ..... 18

**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 supersede the table.

<b>Condition</b>	<b>Study/Submittal Requirement</b>	<b>Frequency</b>	<b>Report Submittal Date</b>
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	Hydrostatic Testing Wastewater Characterization Plan	1/permit cycle	90 days prior to discharge
S2.C	Process Wastewater Characterization	2/permit cycle (90 days after startup or at steady state operation prior to permit renewal)	Within 120 days of characterization for first study 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	1/permit cycle	180 days prior to construction of waste water treatment facilities
S6.	Operations and Maintenance (O&M) Manual	90 days prior to starting operations	
S6.	O&M Manual Review and Updates	Annually	
S7.A	Solid Waste Control Plan	90 days prior to beginning construction	

<b>Condition</b>	<b>Study/Submittal Requirement</b>	<b>Frequency</b>	<b>Report Submittal Date</b>
S7.A	Solid Waste Control Plan Update	With renewal application	
G6.	Permit Application for Substantive Changes to the Discharge	As necessary	
G7.	Engineering Report for Construction or Modification Activities	As necessary	
G9	Periodic Review and Renewal of Authorization to Discharge Wastewater and Sanitary Sewer Wastes	1/permit cycle	By _____

**SPECIAL CONDITIONS**

**S1. DISCHARGE LIMITATIONS**

The Certificate Holder is authorized to discharge wastewater and sanitary sewer wastes at the approved locations subject to meeting the following limitations:

**A. GENERAL**

All discharges and activities authorized shall be consistent with the terms and conditions of the Site Certification Agreement.

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

The discharge of any pollutant not specifically authorized or in concentrations which cause or contribute to a violation of water quality standards established under section 307(a) of the Clean Water Act or Chapter 173-201A WAC, shall also be a violation of the terms and conditions of the Site Certification Agreement and the Clean Water Act.

**B. PROCESS WASTEWATER DISCHARGES**

**General Requirement:** There shall be no discharge of polychlorinated biphenyl.

**Chemical Metal Cleaning Wastes:** The pollutants in chemical metal cleaning wastes discharged to the BP refinery shall not exceed the following effluent limitation:

**EFFLUENT LIMITATION**

<b>Parameter</b>	<b>Daily Maximum<sup>a</sup></b>
Copper, total	1.0 mg/L

<sup>a</sup> 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.

**Cooling tower blowdown:** The pollutants in cooling tower blowdown discharged to the BP refinery shall not exceed the following effluent limitations:

**EFFLUENT LIMITATIONS**

Parameter	Maximum for any time
The organic priority pollutants (40 CFR 423, Appendix A) contained in chemicals added for cooling tower maintenance	No detectable amount
Chromium, total	0.2 mg/L
Zinc, total	1.0 mg/L

**S2. MONITORING REQUIREMENTS**

**A. MONITORING SCHEDULE - PROCESS WASTEWATER**

Beginning ninety (90) days after startup of the cogeneration plant or upon beginning commercial operation, whichever is first, and lasting through the five-year permit cycle, the Certificate Holder shall monitor the discharge from the process wastewater system as follows: (Commercial operation is defined as the point where the construction contractor officially turns over the operation of the facility to the developer to begin commercial power sales. This would be at the end of the equipment commissioning period after completion of performance testing).

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Copper, total	mg/L	Chemical metal cleaning wastes <sup>a</sup>	Twice per month or at each discharge event if batch <sup>a,b</sup>	24-hour composite or hourly grab if batch discharge <sup>a</sup>
Chromium, total	mg/L	Cooling tower discharge <sup>a</sup>	Twice per month <sup>b</sup>	24-hour composite, using a compositor or consisting of 6 grab samples equally spaced over a 24-hour period

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Zinc, total	Mg/L	Cooling tower discharge <sup>a</sup>	Twice per month <sup>b</sup>	24-hour composite, using a compositor or consisting of 6 grab samples equally spaced over a 24-hour period
Priority Pollutant Metals <sup>c</sup>	µg/L	Discharge to Refinery	Quarterly the first year, semi-annually thereafter	24-hour composite, using a compositor or consisting of 6 grab samples equally spaced over a 24-hour period

- <sup>a</sup> The engineering report shall propose a monitoring point for these discharges that is prior to mixing with the other process wastewater. The sample type and frequency may be modified by the Council depending upon the information submitted in the engineering report.
- <sup>b</sup> At the end of one year, the Certificate Holder may petition the Council to reduce this monitoring frequency to a minimum of quarterly provided metal levels are reasonably below the pretreatment standards and there is little variability in the data.
- <sup>c</sup> The results of priority pollutant metals testing shall be submitted within 60 days of each test event in the corresponding DMR.

**B. HYDROSTATIC TESTING WASTEWATER PLAN AND CHARACTERIZATION**

The Certificate Holder shall submit a plan for characterizing hydrostatic testing wastewater discharges. The plan shall include procedures for analyzing hydrostatic test water for the conventional and metals parameters in EPA’s Form 3510-2C. It will also specify criteria that will need to be met before the wastewater can be disposed of in the refinery’s wastewater treatment system and a disposal option(s) if these criteria are exceeded.

The plan for the hydrostatic testing wastewater characterization shall be submitted to the Council and Ecology at least ninety (90) days prior to the first discharge of

hydrostatic testing wastewater. No discharge shall occur prior to Council approval of the plan. The discharge of hydrostatic test water shall conform to the requirements of the approved plan. The Certificate Holder shall notify the Council and Ecology prior to discharging hydrostatic test water to the refinery. Results of the hydrostatic testing wastewater characterization shall be submitted with the monthly discharge monitoring report required in Condition S4.A.

**C. PROCESS WASTEWATER CHARACTERIZATION**

Twice within the five year period established for these discharge conditions, the Certificate Holder shall perform a complete analysis of the process wastewater discharges using parameters in EPA’s Form 3510-2C to fully characterize these discharges. The first characterization shall be performed within 90 days of start up of the cogeneration plant or when the process is at steady state 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 Certificate Holder 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.

**D. 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.

**E. 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.

**F. 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 Certificate Holder, 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 Certificate Holder 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 process wastewater 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. EPA Form 3510-2C pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. 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 Certificate Holder 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 Certificate Holder 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 Certificate Holder 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 Certificate Holder or when requested by the Council.

**E. NONCOMPLIANCE NOTIFICATION**

In the event the Certificate Holder is unable to comply with any of the terms and conditions of this permit due to any cause, the Certificate Holder 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 Certificate Holder 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. COMPLIANCE SCHEDULES**

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

#### **S5. ENGINEERING REPORT**

At least 180 days prior to construction of any wastewater treatment facilities, two copies of an engineering report shall be prepared by the Certificate Holder 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. An all known, available and reasonable methods of prevention, control and treatment (AKART) analysis of alternatives for wood/material used in cooling tower construction to limit pollutants discharged in cooling tower discharge to the BP refinery wastewater treatment system.
2. Revised characterization data for the cooling tower discharge based upon the wood/material chosen for cooling tower construction.
3. An AKART analysis for pretreatment of heavy metals in the cooling tower discharge. (If an inert material is chosen for cooling tower construction, this analysis does not need to be completed.)
4. Characterization data for chemical metal cleaning wastes and plans for discharging this wastewater stream (location, type, volume, and frequency).
5. Defined sample points for the selected pollutants in the chemical metal cleaning wastes and cooling tower blowdown prior to mixing with the other process wastewater streams.

The Council may modify the discharge limitations and monitoring requirements for the process wastewater discharges in Permit Conditions S1.B. and S2.A. based upon information provided in the engineering report.

#### **S6. OPERATION AND MAINTENANCE**

The Certificate Holder 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 the Site Certification Agreement. 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 Certificate Holder only when the operation is necessary to achieve compliance with the conditions.

An Operations and Maintenance (O&M) Manual shall be prepared for the process wastewater system by the Certificate Holder in accordance with WAC 173-240-150 and be submitted to the Council for approval ninety (90) days prior to the first discharge of wastewater. The O&M manual shall also include emergency procedures for plant shutdown and cleanup in the event of wastewater system upset and failure, and Plant maintenance procedures, including a plan for monitoring and treating and controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.)

The O&M Manual shall be reviewed by the Certificate Holder at least annually and the Certificate Holder shall confirm this review by letter to the Council. Substantial changes or updates to the O&M Manual shall be submitted to the Council whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the facility and all operators shall follow the instructions and procedures of this manual.

## **S7. SOLID WASTE DISPOSAL**

### **A. SOLID WASTE CONTROL PLAN**

Ninety (90) days prior to commencement of construction, the Certificate Holder 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 WAC and 173-303 WAC. 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 Certificate Holder shall comply with the plan as approved by the Council. The Certificate Holder shall submit an update of the solid waste control plan with the application for renewal of the permit.

### **B. RESIDUAL SOLIDS HANDLING**

The Certificate Holder 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.

### **C. LEACHATE**

The Certificate Holder 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.

**D. SANITARY WASTES**

Sanitary wastes shall be routed to Birch Bay Water and Sewer District's treatment plant via the refinery's sanitary collection system. No chemicals, paint, solvents, oils, or other wastes shall be disposed in the sanitary wastewater system.

**GENERAL CONDITIONS**

**G1. SIGNATORY REQUIREMENTS**

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

- A. All renewal 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 Certificate Holder 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 Site Certification Agreement compliance or as otherwise authorized by the Clean Water Act.

## **G3. REDUCED PRODUCTION FOR COMPLIANCE**

The Certificate Holder, 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.

## **G4. 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.

## **G5. MODIFICATION, REVOCATION, AND NON-RENEWAL OF THE AUTHORIZATION TO DISCHARGE**

The Council may modify, revoke, or refuse to renew the Certificate Holder's authorization to discharge wastewater or sanitary sewer wastes as set forth in the

following paragraphs A, B, and C. Such modifications, revocations, or refusals to renew shall not require approval by the Governor.

A. The following are causes for revoking the Certificate Holder's authorization to discharge during its term or for denying a renewal application:

1. Continuing violation of any term or condition that adversely impacts public health.
2. Obtaining permit conditions by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of wastewater discharge or its disposal.
4. A determination that the activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by modification or termination [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 conditions [40 CFR Part 122.64(4)].
6. Failure or refusal of the Certificate Holder 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 Certificate Holder 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 issuance that would have justified the application of different conditions.
3. Material and substantial alterations or additions to the facility or activities which occurred after issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon Site Certification Agreement conditions, or requiring revision.
5. The Certificate Holder 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 Site Certification Agreement.

#### **G6. REPORTING A CAUSE FOR MODIFICATION**

A Certificate Holder who knows or has reason to believe that any activity has occurred or will occur that would constitute cause for modification or revocation and reissuance under Condition G5. must report such plans, or such information, to the Council so that a decision can be made on whether action to modify or revoke and reissue conditions will be required.

The Council may then require submission of a new application, or a supplement to the previous application, along with required engineering plans and reports. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Certificate Holder for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Certificate Holder of the duty to comply with the existing conditions until it is modified or reissued.

#### **G7. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater 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 unless a shorter time is approved by the Council. Facilities shall be constructed and operated in accordance with the approved plans.

#### **G8. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

#### **G9. PERIODIC REVIEW AND RENEWAL OF AUTHORIZATION TO DISCHARGE WASTEWATER AND SANITARY SEWER WASTES**

The Certificate Holders' authorization to discharge wastewater and sanitary sewer wastes is limited to a period of five years. The Certificate Holder shall apply for renewal of this authorization (Renewal Application) at least one-hundred-and-eighty (180) days prior to the end of the first five (5) year period after the effective date of this Agreement; and,

subsequently, one-hundred-and-eighty (180) days prior to the end of the five (5) year period after each renewal authorization for the life of the Project.

The Certificate Holder shall certify in the Renewal Application that the conditions are still valid and applicable, or identify any changes and propose appropriate changes to the SCA. Discharge of wastewater and sanitary sewer wastes may begin or continue only upon prior Council authorization, upon the Council's finding that no changes to the SCA are necessary or appropriate, or upon the effective date of any necessary or appropriate changes to the SCA. This submitted information shall follow the format of the informational requirements of the Washington State Department of Ecology's State Waste Discharge Application, or an equivalent format approved in advance by the Council.

This periodic review and renewal of this authorization to discharge wastewater, and sanitary sewer wastes and any related changes to the SCA shall not require approval of the Governor.

#### **G10. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Certificate Holder 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.

#### **G11. DUPLICATION OF NOTIFICATIONS, PLANS AND REPORTS**

If any condition of this permit requires submittal of identical information required by National Pollutant Discharge Elimination System (NPDES) permit No. EFSEC 2002-01 a single submittal of the information may be made, provided that it meets the more stringent submittal deadline of the two permits, and includes a cover letter certifying that the submittal is made in compliance with the requirements of this permit and NPDES permit No. EFSEC 2002-01.