ENERGY NORTHWEST
People·Vision·Solutions

P.O. Box 968 • Richland, WA • 99352-0968

June 6, 2006
GO2-06-084

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Subject: **COLUMBIA GENERATING STATION, DOCKET NO. 50-397**
NOTIFICATION OF NPDES PERMIT RENEWAL

Dear Sir or Madam:

On May 9, 2006, the State of Washington Energy Facility Site Evaluation Council (EFSEC) approved renewal of the Columbia Generating Station National Pollutant Discharge Elimination System (NPDES) Permit for a five-year term. As required by Section 3.2 of the Environmental Protection Plan (Appendix B to Operating License), the permit is enclosed for your information.

There are no commitments being made to the NRC by this letter.

Should you have any questions or desire additional information regarding this matter, please call GV Cullen at (509) 377-6105.

Respectfully,

D. W. Coleman

DW Coleman
Manager, Regulatory Programs
Mail Drop PE20

Enclosure: NPDES Permit No. WA-002515-1

cc: BS Mallett - NRC RIV
BJ Benney - NRC NRR
NRC Sr. Resident Inspector - 988C
RN Sherman - BPA/1399
WA Horin - Winston & Strawn

C 001

Issuance Date: May 25, 2006
Effective Date: July 1, 2006
Expiration Date: May 25, 2011

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT No. WA-002515-1

For

ENERGY NORTHWEST'S COLUMBIA GENERATING STATION

PO Box 968
Richland, Washington 99352-0968

Issued by

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
Chapters 173-201A, 200, 204, 205, 216, and 220 Washington Administrative Code
and
The State of Washington Energy Siting Law
Chapter 80.50 Revised Code of Washington
Chapter 463-76 Washington Administrative Code
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

COLUMBIA GENERATING STATION		
Facility Location	Receiving Water	
Hanford Reservation –	Outfall 001: Columbia River (River Mile 351.75)	
Township 11N, Range 28E, Section 5	Outfalls 002 & 003: Ground Water	
Water Body I.D. No. (Outfall 001)	Discharge Locations	
WA-CR-1030	Outfall 001	Latitude: 46° 28' 17" N
		Longitude: 119° 15' 45" W
	Outfall 002	Latitude: 46° 28' 26" N
		Longitude: 119° 19' 43" W
	Outfall 003	Latitude: 46° 28' 03" N
		Longitude: 119° 19' 48" W
Industry Type		
Steam-Electric Power Generation (SIC 4911)		

The Columbia Generating Station is authorized to discharge in accordance with the special and general conditions which follow.

Jim Luce, Chair
Energy Facility Site Evaluation Council

5/25/2006

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SUMMARY OF PERMIT REPORT SUBMITTALS

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

Permit Section	Submittal	Frequency	First Submittal Date
S2.A.1.b	Characterization of Blowdown for Asbestos Fibres—Outfall 001	1/permit cycle	With the application for permit renewal
S3.A.1	Discharge Monitoring Report—Outfall 001	Monthly	
S3.A.2	Discharge Monitoring Reports—Outfalls 002 and 003	Annually	
S3.E	Noncompliance Notification	As necessary	As necessary
S4.B	Reporting Bypasses	As necessary	As necessary
S5.	Application for Permit Renewal	1/permit cycle	{At least 180 days before permit expiration}
S6.C	Solid Waste Control Plan	1/permit cycle	With the application for permit renewal
S6.C	Modification to Solid Waste Plan	As necessary	As necessary
S7.	Best Management Practices Plan	1/permit cycle	With the application for permit renewal
S7.	Modification to Best Management Practices Plan	As necessary	As necessary
S8.C	Mixing Zone Plan of Study	1/permit cycle	30 days prior to start of study
S8.C and S11.A.2	Effluent Mixing Report	1/permit cycle	{two years after permit effective date}
S9.B.9	Acute Toxicity Characterization Data	4/permit cycle	60 days after each subsequent sampling event
S9.B.10	Acute Toxicity Effluent Test Results with Permit Renewal Application	1/permit cycle	With the application for permit renewal
S10.B.9	Chronic Toxicity Characterization Data	4/permit cycle	60 days after each subsequent sampling event

Permit Section	Submittal	Frequency	First Submittal Date
S10.B.10	Chronic Toxicity Effluent Test Results with Permit Renewal Application	1/permit cycle	With the next application for permit renewal
S11.A.1	Schedule of Compliance-Outfall Evaluation	1/permit cycle	{one year after permit effective date}
S11.A.2 and S8.C	Schedule of Compliance-Effluent Mixing Study Report	1/permit cycle	{two years after permit effective date}
S11.A.3, S9. and S10.	Schedule of Compliance-WET Testing Reports	1/permit cycle	See S9 and S10
S11.B.1	Schedule of Compliance-Ground Water Quality Study Scope of Work	1/permit cycle	{one year after permit effective date}
S11.B.2	Schedule of Compliance-Ground Water Quality Study Quality Assurance Project Plan	1/permit cycle	{two years after permit effective date}
S11.B.4	Schedule of Compliance-Ground Water Quality Study Report	1/permit cycle	With the next application for permit renewal
S11.C	Schedule of Compliance-Schedule of Compliance Final Report	1/permit cycle	With the next application for permit renewal
S11.D	Schedule of Compliance-Request of Extension of the Schedule of Compliance	As necessary	As necessary
G1.	Notice of Change in Authorization	As necessary	As necessary
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	As necessary
G5.	Engineering Report for Construction or Modification Activities	As necessary	As necessary
G7.	Notice of Permit Transfer	As necessary	As necessary
G20.	Reporting Anticipated Non-compliance	As necessary	As necessary
G21.	Reporting Other Information	As necessary	As necessary

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

Beginning on **{the effective date of this permit}** and lasting through **{the expiration date}**, the Permittee is authorized to discharge treated wastewater at the permitted locations subject to 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 pollutant not specifically authorized by this permit 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 Washington Administrative Code (WAC) shall also be a violation of this permit and the Clean Water Act.

There shall be no discharge in wastewater of radioactive materials in excess of the limitations on radioactive effluents established by the Nuclear Regulatory Commission in the facility operating license and in 10 CFR Parts 20 and 50.

The discharge of any of the pollutants in this permit condition 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.

This permit contains a Schedule of Compliance (Special Condition S11). Data generated during this permit cycle may result in revisions of effluent limits at the next permit renewal.

B. Outfall 001 - Circulating Cooling Water Blowdown Discharges

Effluent Limitations

Discharges of condenser cleaning effluent, radioactive waste treatment system effluent, and cooling water blowdown from the circulating water system or discharge from the standby service water system, or both, at the location shown on the cover sheet, are subject to complying with the following effluent limitations:

EFFLUENT LIMITATIONS: OUTFALL 001		
Parameter	**Average Monthly[1]**	**Maximum Daily[2]**
Temperature	Not Applicable	(Note 3)
Total Residual Halogen[4]	Not Applicable	0.1 mg/L
pH, standard units[5]	Not Applicable	Between 6.5 and 9.0
Copper[6] (Dec. – Feb.)	70 µg/L	108 µg/L
Copper[6] (Mar. – Nov.)	223 µg/L	345 µg/L
Flow	5.6 MGD	9.4 MGD

[1] The average monthly effluent limitation is defined as the highest allowable average 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.
[2] The maximum daily effluent limitation is defined as the highest allowable daily discharge.
[3] The temperature of the circulating cooling water blowdown shall not exceed, at any time, the lowest temperature of the circulating cooling water, prior to the addition of makeup water, except that the temperature of the blowdown may be less than the temperature of the river.
[4] There shall be no discharge of cooling water from Outfall 001 during biofouling treatments nor until the concentration of total residual halogens is less than 0.1 mg/L for at least 15 minutes.
[5] Indicates the range of permitted values. When pH is continuously monitored, excursions as low as 5.0 or as high as 9.5 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes per month.
[6] Copper limitations are for total recoverable metal.

There shall be no discharge of polychlorinated biphenyl compounds. There shall be no detectable amount of priority pollutants (listed in 40 CFR Part 423, Appendix A) in the effluent from chemicals added for cooling system maintenance.

C. Outfall 002

Discharge of storm water runoff, wastewater from potable and demineralized water production, intake air wash unit blowdown, and water from non-radioactive equipment dewatering, leakage, cleaning, and flushing, at the approximate location described on the cover sheet, shall not cause a violation of the ground water standards (Chapter 173-200 WAC). Existing and future beneficial uses of ground water shall be protected.

D. Outfall 003

Discharges of service water filter backwash, and pond sediment and water during pond cleaning, at the approximate location shown on the cover sheet, shall not cause a

violation of the ground water standards (Chapter 173-200 WAC). Existing and future beneficial uses of ground water shall be protected.

E. Mixing Zone Descriptions

The maximum boundaries of the mixing zones for discharges from Outfall 001 are defined as follows:

The chronic mixing zone shall extend no more than 100 feet upstream, nor more than 306 feet downstream of the outfall. The chronic mixing zone shall extend no more than 175 feet to either side of the centerpoint of the outfall. The chronic dilution factor is 50.

The acute mixing zone shall extend no more than 31 feet downstream of the outfall. The acute dilution factor is calculated to be 11.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

1. Outfall 001

a. Circulating Cooling Water Blowdown Discharges

Beginning **{on the effective date of this permit}** and lasting **{through the expiration date}**, the Permittee shall monitor the discharge of circulating cooling water blowdown at Outfall 001 as follows:

Parameter	Units	Sample Point[1]	Minimum Sampling Frequency	Sample Type
Flow	MGD	Blowdown	Continuous[2]	Meter
pH	S. U.'s	Circulating Water	Continuous[2,3]	Meter
Temperature	°C	Blowdown	Continuous[2]	Meter
Turbidity	NTU	Circulating Water or Blowdown	Monthly	Grab
Total Residual Halogen	mg/L	Circulating Water	Twice per treatment	Grab
Total Copper	µg/L	Circulating Water or Blowdown	Monthly	Grab
Total Chromium	µg/L	Circulating Water or Blowdown	Twice per year	Grab

Parameter	Units	Sample Point[1]	Minimum Sampling Frequency	Sample Type
Total Zinc	µg/L	Circulating Water or Blowdown	Twice per year	Grab

[1] During a maintenance outage, sample point may be relocated to reflect temporary reconfiguration of the circulating water system.
[2] Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. If monitoring equipment fails, Permittee shall implement manual monitoring and diligently pursue equipment repair/replacement.
[3] For facilities which continuously monitor and record pH values, the number of minutes the pH value was below or above the permitted range shall be recorded for each day and the total minutes for the month reported, the durations when values were above and below the permitted range shall be reported separately. The instantaneous maximum and minimum pH shall be reported monthly.

b. Characterization of Blowdown for Asbestos Fibres

The Permittee shall sample blowdown once during the permit cycle and test for asbestos fibre concentration. The sample shall be a grab sample taken when the circulating water cooling system is operating at an average number of cycles of concentration and only blowdown is being discharged. Test results shall be submitted **with the application for permit renewal**. The Council may remove this requirement if Energy Northwest presents a schedule to replace asbestos fill material in the cooling towers.

c. Standby Service Water Discharges

The Permittee shall monitor service water discharges made directly to the blowdown line according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Volume	MGD	Pond to be Discharged	Continuous[1] or Volume Estimate[2]	Meter or Estimate
pH	S. U.'s	Pond to be Discharged	Daily[3]	Grab

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type

[1]Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. If monitoring equipment fails, Permittee shall implement manual monitoring and diligently pursue equipment repair/replacement.
[2]Volumes of batch releases of water for pond draining may be estimated based on level measurements. Feed-and-bleed discharges to the blowdown line shall be measured by flow meter.
[3]Prior to commencement of discharges, Permittee shall verify that pH is within specified limits. Measurements shall be taken daily while discharge is in progress.

2. Outfall 002

Two 24-hour composite samples shall be taken representative of typical facility discharge to the unlined pond. One sample shall be taken annually between March 15 – May 15 and one sample shall be taken annually between September 15 – November 15. Effluent shall be tested for:

Parameter	Test Method[1]
Chromium[2]	EPA 200.8
Lead[2]	EPA 200.8
Fluoride	EPA 300.0
Nitrate-Nitrite (as N)	EPA 300.0
Copper[2]	EPA 200.8
Nickel[2]	EPA 200.8
Iron[2]	EPA 200.8
Manganese[2]	EPA 200.8
Zinc[2]	EPA 200.8
Chloride	EPA 300.0
Sulfate	EPA 300.0
Total Dissolved Solids	SM 2540C
pH	Field Metered
Conductivity	Field Metered

[1] Methods for the Chemical Analysis of Water and Wastewater, EPA 600/4-79-020; other EPA approved methods that provide as good or better detection level may be substituted.
[2] Metals as Total Recoverable.

Effluent quantity shall be monitored continuously and recorded each month. If flow instrumentation fails, Permittee shall estimate effluent quantities and diligently pursue equipment repair/replacement. Monitoring and analysis requirements for Outfall 002 may be modified by the Council based on the results of at least two years of monitoring data.

3. Outfall 003

Permittee shall monitor effluent to Outfall 003, a surface depression. Each pond cleaning that results in discharge of water or water/sediment slurry shall be sampled at least once. The quantity and duration of the discharge shall be recorded. Filter backwash effluent shall be sampled at a frequency of at least once every six (6) weeks of operation. Discharge frequency, duration, and quantity shall be reported. Discharge quantity may be a reasonable estimate rather than direct measurement.

Samples shall be tested as follows:

Parameter	Test Method[1]	Sample Type
Total Recoverable Lead	EPA 200.8	Grab
Dissolved Lead	EPA 200.8	Grab

[1] Other EPA approved methods that provide as good or better detection level may be substituted.

B. Sampling and Analytical Procedures

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

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136. All analytical methods used shall have reporting levels/practical quantitation levels at least one magnitude below the applicable water quality criteria, except for total residual halogen.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a

minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years and shall be made available to authorized inspectors upon request.

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, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

S3. 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 this permit.

A. Reporting

1. Outfall 001

The first monitoring period begins on the effective date of the permit. Monitoring results for circulating cooling water blowdown discharges to Outfall 001 (Condition S2.A.1.a) shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized and reported on a Discharge Monitoring Report (DMR) form approved, by the Council. DMR forms shall be submitted no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Monitoring results for service water discharges to Outfall 001 (Condition S2.A.1.c) shall be reported on the DMR for the month(s) in which they occur.

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

2. Outfalls 002 and 003

Monitoring results for discharges to Outfall 002 (Condition S2.A.2) and Outfall 003 (Condition S2.A.3) shall be compiled in an annual reports that are submitted no later than March 1 of the following year.

All reports shall be sent to:

EFSEC	Department of Ecology
PO Box 43172	Richland Office
Olympia, WA. 98504-3172	Attn: Columbia Generating Station Monitoring
	3100 Port of Benton Blvd.
	Richland, WA 99354

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. 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.

C. 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.

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. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the Permittee shall include the results of this monitoring in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee shall report the following occurrences of noncompliance by telephone to the Council's office at (360) 956-2121, the next business day after the Permittee becomes aware of any of the following circumstances:

   a. any noncompliance that may endanger health or the environment;

b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Condition S4.B., "Bypass Procedures");

c. any upset that exceeds any effluent limitation in the permit (See G.15, "Upset"); or,

d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Condition S1.B.

2. The Permittee shall also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 1, above. The written submission must contain:

a. a description of the noncompliance and its cause;

b. the period of noncompliance, including exact dates and times;

c. the estimated time noncompliance is expected to continue if it has not been corrected; and,

d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

3. The Council may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.

4. Reports must be submitted to the address provided in Condition S3.A.2.

F. Other Noncompliance Reporting.

The Permittee shall report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

The Permittee shall keep a copy of this permit at the facility and make it available upon request to the Council or Department of Ecology inspectors.

S4. OPERATION AND MAINTENANCE

A. Proper 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 also includes 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 the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment process, 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 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 judgement 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 S3E 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 shall 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, the Permittee shall continue to analyze 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.

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.

S5. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit **at least one hundred eighty (180) days prior to the expiration date.**

S6. SOLID WASTE DISPOSAL

A. Solid Waste 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.

B. 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 prevention, control, and treatment (AKART), nor allow such leachate to cause violations of the state Surface Water Quality Standards, Chapter 173-201A WAC, or the state Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the Solid Waste Control Plan to the Council. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the plan **with the application for permit renewal one hundred eighty (180) days prior to the expiration date of the permit.**

S7. BEST MANAGEMENT PRACTICES PROGRAM

The "Oil and Hazardous Substances Spill Prevention, Control and Counter-Measure Plan", dated 11/12/04, submitted with the permit application, is incorporated by reference into this section as the Best Management Practices (BMP) Plan.

The Permittee shall amend the BMP Plan whenever there is a change in facility design, construction, operation or maintenance that materially affects the facility's potential for discharge of significant amounts of toxic or hazardous pollutants into waters of the state.

Proposed modifications to the BMP Plan which affect the discharger's permit obligations shall be submitted to the Council for approval. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the plan **with the application for**

permit renewal one hundred eighty (180) days prior to the expiration date of the permit.

S8. EFFLUENT MIXING STUDY

A. General Requirements

The Permittee shall determine the degree of effluent and receiving water mixing which occurs within the mixing zone (as defined in permit condition S1.E). The degree of mixing shall be determined during critical conditions, as defined in WAC 173-201A-020 Definitions-"Critical Condition," or as close to critical conditions as reasonably possible.

If the results of the mixing study, toxicity tests, and chemical analysis indicate that the concentration of any pollutant(s) exceeds or has a reasonable potential to exceed the state Water Quality Standards, Chapter 173-201A WAC, the Council may issue a regulatory order to require a reduction of pollutants or modify this permit to impose effluent limitations to meet the Water Quality Standards.

B. Assessment

The critical condition scenarios shall be established in accordance with *Guidance for Conducting Mixing Zone Analyses* (Ecology, 1996). The Permittee shall measure the dilution ratio in the field with dye using study protocols specified in the *Guidance,* section 5.0 "Conducting a Dye Study," as well as other protocols listed in subpart C. Protocols. The use of mixing models is an acceptable alternative or adjunct to a dye study if the Permittee knows, or will establish the critical ambient conditions necessary for model input with field studies; and if the diffuser is visually inspected for integrity or has been recently tested for performance by the use of tracers. The *Guidance* shall be consulted when choosing the appropriate model. The use of models is also required if critical condition scenarios that need to be examined are quite different from the set of conditions present during the dye study.

Validation (and possibly calibration) of a model may be necessary and the Permittee shall validate the model in accordance with the *Guidance* mentioned above - in particular subsection 5.2 "Quantify Dilution." The Permittee shall apply the resultant dilution ratios for acute and chronic boundaries in accordance with directions found in Ecology's *Permit Writer's Manual* (Ecology publication 92-109, most current version) - in particular Chapter VI.

The federally recommended technology-based chromium and zinc effluent guideline limits shall be assessed for compliance with the water quality standards using the revised dilution factors. Chromium in the discharge shall be characterized into trivalent and hexavalent species to allow assessment of compliance with the water quality criteria for trivalent and hexavalent chromium. In addition, the Permittee shall evaluate phosphorus, temperature and turbidity in the discharge for compliance with the water quality standards.

The Permittee shall assess the discharge for compliance with those portions of the state's Surface Water Quality Standards contained in Chapter 173-201A WAC, 2003 revision, that have been approved by the EPA.

The Permittee shall assess the discharge for compliance with the human health criteria, contained in the Federal Register, November 9, 1999.

In the event the Permittee desires water quality-based copper limits other than those determined by the effluent mixing study, the Permittee shall conduct a water effects ratio study as part of the mixing study. The Permittee shall use the procedures specified in the most recent, EPA-approved water effects ratio guidance available.

The Permittee shall use a consistent method of fixing and reporting the location of the outfall and mixing zone boundaries (i.e., triangulation off the shore, microwave navigation system, or using Loran or Global Positioning System (GPS) coordinates). The Permittee shall identify the method of fixing station location and the actual station locations in the report.

C. Reporting Requirements

A Plan of Study shall be submitted to the Council for review **thirty (30) days prior** to initiation of the effluent mixing study.

The Permittee shall submit results of the effluent mixing study in the Effluent Mixing Report, and shall submit the report to the Council for approval by **{two years after the effective date}**.

During the course of this study, if the Permittee identifies information on the background physical conditions or background concentration of chemical substances (for which there are criteria in Chapter 173-201A WAC) in the receiving water, the Permittee shall submit this information to the Council as part of the Effluent Mixing Report.

D. Protocols

The Permittee shall determine the dilution ratio using protocols outlined in the following references, approved modifications thereof, or by another method approved by the Council:

-Akar, P.J. and G.H. Jirka, *Cormix2: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Multiport Diffuser Discharges*, USEPA Environmental Research Laboratory, Athens, GA, Draft, July 1990.

-Baumgartner, D.J., W.E. Frick, P.J.W. Roberts, and C.A. Bodeen, *Dilution Models for Effluent Discharges,* USEPA, Pacific Ecosystems Branch, Newport, OR, 1993.

-Doneker, R.L. and G.H. Jirka, *Cormix1; An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Submerged Single Port Discharges,* USEPA, Environmental Research Laboratory, Athens, GA. EPA/600-3-90/012, 1990.

-Ecology, *Permit Writer's Manual,* Water Quality Program, Department of Ecology, Olympia WA 98504, July 1994, including most current addenda.

-Ecology, *Guidance for Conducting Mixing Zone Analyses,* Permit Writer's Manual, (Appendix 6.1), Water Quality Program, Department of Ecology, Olympia WA 98504, October, 1996.

-Kilpatrick, F.A., and E.D. Cobb, Measurement of Discharge Using Tracers, Chapter A16, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics,* USGS, U.S. Department of the Interior, Reston, VA, 1985.

-Wilson, J.F., E.D. Cobb, and F.A. Kilpatrick, Fluorometric Procedures for Dye Tracing, Chapter A12, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics,* USGS, U.S. Department of the Interior. Reston, VA, 1986.

S9. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The Permittee shall conduct the two acute toxicity tests listed below on each sample taken for effluent characterization.

The Permittee shall conduct effluent characterization for acute toxicity quarterly for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section, including a dilution series consisting of a minimum of five concentrations and a control. This series of dilutions shall include the acute critical effluent concentration (ACEC), which shall be determined in the Effluent Mixing Study required by Special Condition S8 of this permit. The series shall be used to estimate the concentration lethal to 50% of the organisms (LC_{50}). The Permittee shall also report percent survival in 100% effluent.

The Permittee shall begin testing shall begin **no later than January 2009.**

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).

2. Daphnid, *Ceriodaphnia dubia, Daphnia pulex,* or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Sampling and Reporting Requirements

1. The Permittee shall submit all reports for effluent characterization or compliance monitoring in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. The Permittee shall conduct testing on composite samples. The Permittee shall cool composite samples taken for toxicity testing to 0 - 6 degrees Celsius while being collected and shall send samples to the lab immediately upon completion. Samples must be 0 - 6° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling ended. The lab shall store all samples at 0 - 6° C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If the Council determines test results are invalid or anomalous, the Permittee shall repeat testing with freshly collected effluent.

5. Control water and dilution water shall meet the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.

8. The Permittee shall repeat all whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 on a fresh sample with an increased number of replicates to increase the power.

9. The Permittee shall submit reports of individual characterization or compliance test results to the Council **within sixty (60) days after each sample date.**

10. The Permittee shall submit the **Acute Toxicity Summary Report** to the Council **with the next application for permit renewal.**

S10. CHRONIC TOXICITY

A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent using the three chronic toxicity tests listed below on each sample taken for effluent characterization.

The Permittee shall begin testing **no later than January 2009.**

The Permittee shall conduct effluent testing for chronic toxicity quarterly for one year. The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions shall include the chronic critical effluent concentration (CCEC), which shall be determined in the Effluent Mixing Study required by Special Condition S8 of this permit. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

The Permittee shall conduct chronic toxicity tests with the following three species and the most recent version of the following protocols:

Freshwater Chronic Test	Species	Method
Fathead minnow survival and growth	*Pimephales promelas*	EPA-821-R-02-013
Water flea survival and reproduction	*Ceriodaphnia dubia*	EPA-821-R-02-013
Alga	*Selenastrum capricornutum*	EPA-821-R-02-013

B. Sampling and Reporting Requirements

1. The Permittee shall submit all reports for effluent characterization or compliance monitoring in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database,

then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. The Permittee shall conduct testing on composite samples. Composite samples taken for toxicity testing shall be cooled to 0 - 6 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Samples must be 0 - 6° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling ended. The lab shall store all samples at 0 - 6° C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If the Council determines test results are invalid or anomalous, the Permittee shall repeat testing with freshly collected effluent.

5. Control water and dilution water shall meet the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.

8. The Permittee shall repeat all whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020, on a fresh sample with an increased number of replicates to increase the power.

9. The Permittee shall submit reports of individual characterization or compliance test results shall be submitted to the Council **within sixty (60) days after each sample date.**

10. The Permittee shall submit the **Chronic Toxicity Summary Report** to the Council **with the next application for permit renewal.**

S11. SCHEDULE OF COMPLIANCE

The Permittee shall be in compliance with the state's Surface Water Quality Standards and Ground Water Quality Standards, contained in Chapters 173-201A and 173-200 WAC, respectively, by **{the permit expiration date}**. This Schedule of Compliance requires the Permittee to submit a series of reports as specified in Parts A, B, C; and D of this permit condition. The submittals are subject to review and approval by the Council.

A. Discharge to Surface Water

1. Outfall Evaluation

The Permittee shall inspect the exposed portion of the outfall line and diffuser to document its integrity and continued function. The Permittee shall assess the riverbed in the vicinity of the diffuser for deposition of sediments. The report shall include photographic verification. The inspection shall be conducted prior to the Effluent Mixing Study required by Special Condition S8. The Outfall Evaluation Report shall be received by the Council for review and approval by **{one year after the effective date}**.

2. Effluent Mixing Study

The Permittee shall conduct an Effluent Mixing Study in accordance with the requirements in Special Condition S8 of this permit. The Permittee shall submit the Effluent Mixing Study Report to the Council for review and approval by **{two years after the effective date}**.

3. Whole Effluent Toxicity (WET) Testing

The Permittee shall conduct WET Testing of the discharge in accordance with Special Conditions S9 and S10 of this permit. The Permittee shall submit WET reports to the Council for review and approval in accordance with the dates in S9.B.9 and 10 and S10.B9 and 10.

B. Discharges to Ground Water

1. Scope of Work

The Permittee shall submit a scope of work for the ground water quality study to the Council for review and approval by **{one year after the effective date}**.

2. Quality Assurance Project Plan

The Permittee shall submit a quality assurance project plan (QAPP) to the Council for review and approval by **{two years after the effective date}**. The Plan shall be developed in substantial accordance with *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, Ecology Publ. No. 01-03-003 and the appropriate sections of *Implementation Guidance for the Ground Water Quality Standards*, Ecology Publ. No. 96-02.

3. Ground Water Quality Study

The Permittee shall conduct the ground water quality study during the third year of the permit cycle. Sampling of ground water shall be conducted upgradient and downgradient of the outfalls.

4. Ground Water Quality Study Report

The Permittee shall submit the Ground Water Quality Study Report as part of the Schedule of Compliance Final Report **{with the next application for permit renewal}**.

C. Schedule of Compliance Final Report

The Permittee shall submit a Schedule of Compliance Final Report, for review and approval, **{with the next application for permit renewal}**. The summary report shall integrate the results of the discrete tasks of the compliance schedule and, as necessary, propose numerical effluent limits or any additional measures to be taken to assure compliance with the water quality standards. In the event any of the facility's discharges are not in compliance with the applicable water quality standards, the report will contain a plan and a schedule to achieve compliance.

D. Request of Extension of the Schedule of Compliance

In the event more time is necessary to complete the tasks required in this Schedule of Compliance, the Permittee may request that the Council grant an extension. The request shall be by formal written letter and shall contain: (1) an explanation of why more time is needed, and (2) a revised schedule for completing the remaining tasks. The extension shall be granted at the Council's discretion through an administrative order or permit modification.

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 Department.

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 an authorized representative of the Council, 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 of this permit.

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 of this permit.

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

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 173-220-150 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. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. 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 A7, 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 (General 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 modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; 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 wastewater 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.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G7. TRANSFER OF THIS PERMIT

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

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 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.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Council at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Council does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, 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.

G9. 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.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Council, within a reasonable time, all information which the Department 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.

G11. OTHER REQUIREMENTS OF 40 CFR

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

G12. ADDITIONAL MONITORING

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

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Council.

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 S3.E; and 4) the Permittee complied with any remedial measures required under Condition S4.C of this permit.

In any enforcement proceedings 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. 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.