

Appendix G

Wastewater Discharge Permits

CITY COUNCIL

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Mayor
JASON HEARN
Deputy Mayor
JEFF GADMAN
LENNY GREENSTEIN
RON LAWSON
CYNTHIA PRATT
ANDY RYDER

CITY MANAGER
SCOTT H. SPENCE



Shaping
our community
together

CITY OF **LACEY**

420 COLLEGE STREET SE
LACEY, WA 98503-1238



WASTEWATER DISCHARGE PERMIT No. MIU-LA-002

In accordance with the provisions of Section 13.10 of the Lacey Municipal Code:

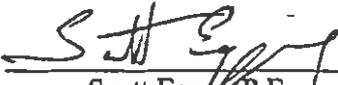
Nutriom, L.L.C.
3145 Hogum Bay Road NE
Lacey, WA 98516

hereafter referred to as "Permittee", is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the LOTT Clean Water Alliance (LOTT) Publicly Owned Treatment Works (POTW) via the City of Lacey (City) and/or other LOTT Partner sanitary sewer collection system in accordance with the conditions set forth in this Permit. Compliance with this Permit does not relieve the Permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, state, and federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this Permit.

Noncompliance with any term or condition of this Permit shall constitute a violation of the Lacey Municipal Code (LMC), Section 13.10.

This Permit shall become effective at 12:01 PM on February 14, 2013, and shall expire at 11:59 PM on February 13, 2016.

If the Permittee wishes to continue to discharge after the expiration date of this Permit, an application must be filed for a renewal permit in accordance with the requirements of Chapter 13.10.010 of the Lacey Municipal Code, and Section 8.6 of this Permit, a minimum of ninety (90) days prior to the expiration date.

By: 
Scott Egger, P.E.
Director of Public Works
City of Lacey

By: 
Michael D. Strub, P.E.
Executive Director
LOTT Clean Water Alliance

Issued this 13 day of February 2013

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SUBMITTAL SCHEDULE

<u>PERMIT SECTION</u>	<u>SUBMITTAL</u>	<u>FREQUENCY</u>	<u>FIRST SUBMITTAL</u>
3.2	Discharge Monitoring Reports	Monthly	15th of month following required monitoring
3.3	Reports of Additional Monitoring by the Permittee	As Needed	As Required
3.8	Notification of Violation/Repeat Sampling and Reporting	As Needed	As Required
3.7	Reports of Potential Problems	As Needed	As Required
5.5	Bypass Notification and Reporting	As Needed	As Required
3.9	Notification of Discharge of Hazardous Waste	As Needed	As Required
3.6	Reports of Changed Conditions	As Needed	30 days prior to commencing
6.2	Semi-annual Sampling and Reporting	January and July of every year	Sampling to occur by June 30, 2013
6.3	Accidental Discharge/Slug Discharge Control Plans	Update current Plan on file whenever significant facility revisions are planned or have been implemented	Whenever significant facility revisions have been implemented
7.2	Proper Operation & Maintenance Manual	As Needed	Manual due by March 29, 2013
8.6	Permit Application for Renewal	1/Permit Cycle	90 days prior to expiration date of Permit

PART 1 - DISCHARGE REQUIREMENTS

1.1 Description of Outfalls

Beginning on the effective date of the Permit and lasting through the expiration date, the Permittee is authorized to discharge process and/or domestic wastewater to the Lacey sewer system from the outfalls listed below:

<u>Outfall</u>	<u>Descriptions</u>
001	Discharge from high-strength diversion storage tank, located at: N 47° 4' 39.1217" W 122° 45' 57.0041"
002	The combined discharges of Outfall 001 and the sanitary wastewater, located at the "Municipal System Flow Measurement and Sampling Station": N 47° 4' 38.8323" W 122° 45' 58.5056"

1.2 Waste Streams at Each Outfall

During the term of this Permit, the discharge from Outfall 001 shall consist of process and non-process wastewater only.

During the term of this Permit, the discharge from Outfall 002 shall consist of a combination of domestic, non-process, and process wastewater.

1.3 Effluent Limitations

Beginning on the effective date of this Permit, and lasting through the expiration date, the Permittee shall not discharge wastewater from Outfall 001 in excess of the following effluent limitations:

ANALYTE	DAILY MAXIMUM CONCENTRATION LIMIT	DAILY MAXIMUM LOADING LIMITS (1,000 gallons per day or less)
Arsenic	0.2 mg/L	0.002 lbs. per day
Cadmium	0.2 mg/L	0.002 lbs. per day
Chromium	1.0 mg/L	0.008 lbs. per day
Chromium (hexavalent)	0.25 mg/L	0.002 lbs. per day
Copper	0.5 mg/L	0.004 lbs. per day
Cyanide	0.64 mg/L	0.005 lbs. per day
Cyanide (Free)	0.25 mg/L	0.002 lbs. per day
Lead	0.4 mg/L	0.004 lbs. per day
Mercury	0.05 mg/L	0.0004 lbs. per day
Nickel	0.5 mg/L	0.004 lbs. per day
Silver	0.2 mg/L	0.002 lbs. per day
Zinc	1.0 mg/L	0.008 lbs. per day
Fats, oils, & greases of animal or vegetable origin	300 mg/L	Any amount
Hydrocarbon-based oils & greases	50 mg/L	Any amount
Minimum pH	5.0 standard units	N/A
Maximum pH	11.0 standard units	N/A
Reduction in POTW effluent ultra violet transmissivity (per cm at 254 nm wavelength)	10% reduction	N/A
Decrease in POTW maximum effluent no observed effect concentration (NOEC) in any whole effluent toxicity test	10% decrease	N/A

WASTE LOADING PARAMETER	DAILY MAXIMUM	MONTHLY AVERAGE (measured over calendar month)
Flow	8,000 Gallons per day	5,300 Gallons per day

- A. All concentrations for metallic substances are for total metal unless indicated otherwise. The Executive Director may impose mass limits in addition to concentration-based limits.
- B. The Permittee shall be subject to "instantaneous limits" (as determined by a grab sample) of equal to twice the above "daily maximum" concentrations for any pollutant for which a composite sample is required in this Permit. This provision is inapplicable to the Permittee when there is no permit requirement to collect a composite sample for the analyte in question.

- C. If the Permittee discharges Biochemical Oxygen Demand, Total Suspended Solids, or Total Ammonia in excess of the concentration limits or threshold amounts listed below, the Permittee will be subject to surcharges as established in and under the authority of Section 6.1 up to any maximum loading limit established by this Permit.

ANALYTE	EXCESS STRENGTH CHARGES THRESHOLD LIMIT	PERMITTED DISCHARGE THRESHOLD AMOUNT
Biochemical Oxygen Demand (BOD ₅)	300 mg/L	2.5 lbs. per day
Total Suspended Solids (TSS)	300 mg/L	2.5 lbs. per day
Total Ammonia, as ammonia (NH ₃) and ammonium ion (NH ₄ ⁺)	60 mg/L	0.5 lbs. per day

- D. The City may use this Permit to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not contained in this Section. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, and any other pollutant.

1.4 Requirement to Apply AKART

The Permittee shall provide all known, available, and reasonable methods of prevention, control and treatment (AKART) as required to comply with this Permit and local, State and Federal regulations, and shall achieve compliance with all applicable pretreatment standards and requirements within the time limitations as specified by appropriate statutes, regulations, chapters and ordinances. Any facilities required to treat wastewater to satisfy applicable pretreatment standards and requirements contained in this Permit, shall be supplied, properly operated, and maintained at the Permittee's expense.

1.5 Best Management Practices

The Executive Director may establish, and the City require, Best Management Practices (BMPs) for any category of industry or type of industrial process, which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the effluent limitations contained in Section 1.3. BMPs may also include alternative limits, which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

1.6 Right of Revision

The Executive Director and the City reserves the right to establish, by this Permit, more stringent standards or requirements on discharges to the POTW.

PART 2- MONITORING REQUIREMENTS

2.1 Monitoring Schedule

From the period beginning on the effective date of this Permit and lasting through the expiration date, the Permittee shall monitor Outfall 001 for the following parameters, at the indicated frequency:

<u>Parameter (units)</u>	<u>Locations</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (gpd)	001	Continuously	Meter
BOD ₅ (mg/L)	001	Three per month ²	Grab ³
TSS (mg/L)	001	Three per month ²	Grab ³
pH	001	Daily	Grab
Fats, oils, & greases of animal or vegetable origin (mg/L)	001	Twice per year	Grab ³
Hydrocarbon-based oils & greases (mg/L)	001	Twice per year	Grab ³
Arsenic, total (mg/L)	001	Twice per year	Grab ³
Cadmium, total (mg/L)	001	Twice per year	Grab ³
Chromium, total ¹ (mg/L)	001	Twice per year	Grab ³
Copper, total (mg/L)	001	Twice per year	Grab ³
Lead, total (mg/L)	001	Twice per year	Grab ³
Mercury, total (mg/L)	001	Twice per year	Grab ³
Molybdenum, total (mg/L)	001	Twice per year	Grab ³
Nickel, total (mg/L)	001	Twice per year	Grab ³
Selenium, total (mg/L)	001	Twice per year	Grab ³
Silver, total (mg/L)	001	Twice per year	Grab ³
Zinc, total (mg/L)	001	Twice per year	Grab ³
Cyanide, total ¹ (mg/L)	001	Twice per year	Grab ³

2.2 Analytical Requirements

All pollutant sampling and analyses required under this Permit shall conform to the most current version of 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Executive Director determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Executive Director may specify an analytical method. If neither case applies, the Permittee shall use validated analytical methods or applicable sampling and analytical procedures approved by USEPA.

1 If total chromium in excess of 0.25 mg/l is detected, the Permittee shall immediately resample by grab sample and analyze for hexavalent chromium; if total cyanide in excess of 0.25 mg/l is detected, the Permittee shall immediately resample and analyze for free cyanide.

2 Samples for biochemical oxygen demand (BOD₅) and total suspended solids (TSS) shall be collected during three consecutive days in accordance with Part 2.4 of this permit

3 Grab samples from the contents of the high strength diversion storage tank shall be collected after accumulating a batch of all the process and non-process wastewater produced during a twenty-four hour period of a typical production day.

2.3 Recording of Results

For each measurement or sample taken, the Permittee shall record the following information:

- A. The date, exact place, and time of the sampling;
- B. The method of sample taking and preservation;
- C. The names of the person(s) who performed the sampling or measurements, and each person with custody of the sample until analysis;
- D. The date(s) analyses were performed and who performed them;
- E. The analytical techniques or methods used;
- F. The results of such analyses, and;
- G. All quality control/quality assurance results pertaining to the analyses.

This information shall be included in the Discharge Monitoring Report described in Section 3.2 of this Permit. Additional information, such as laboratory raw data, shall be submitted to the Executive Director upon request.

2.4 Representative Sampling

- A. The Permittee must ensure that all samples collected to satisfy sampling requirements under this Permit are representative of the range of conditions occurring during the reporting period. Samples and measurements taken to meet the requirements of this Permit shall be representative of the volume and nature of the monitored discharge(s) and the discharges monitored shall be representative of daily operations.
- B. All samples shall be taken at the monitoring points specified in this Permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to and the approval of the Executive Director.

2.5 Sample Collection and Analysis

- A. The Permittee must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate USEPA guidance.
- B. The Permittee must obtain samples for oil and grease, temperature, pH, cyanide, total, and volatile organic compounds using grab collection techniques.
- C. For certain pollutants, the Permittee may composite multiple grab samples taken over a 24-hour period. The Permittee may composite grab samples for cyanide either in the laboratory or in the field, and may composite grab samples for volatile organics and oil & grease in the laboratory prior to analysis.

- D. For all other pollutants, the Permittee must be representative of the volume and nature of the monitored discharge(s) and the discharges monitored shall be representative of daily operations.
- E. The Executive Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.
- F. The Executive Director may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.
- G. In all cases, the Permittee must take care to ensure the samples are representative of their wastewater discharges.

2.6 Requirements for Laboratory Accreditation

All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, Accreditation of Environmental Laboratories, except for flow, temperature, total suspended solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

PART 3 – REPORTING REQUIREMENTS

3.1 Where to Send Reports or Make Notifications

All reports required by this Permit shall be submitted to LOTT at the following address:

Environmental Compliance Supervisor
LOTT Clean Water Alliance
500 Adams Street NE
Lacey, WA 98501-1073

Telephone notification shall be made to the LOTT Environmental Compliance Supervisor at phone number (360) 528-5708, or if unavailable, to the LOTT Budd Inlet Treatment Plant at phone (360) 528-5700.

3.2 Scheduled Reports – Discharge Monitoring Reports

The Permittee shall summarize and report the results of all monitoring of pollutants discharged to the POTW. This information shall be compiled each month and reported on a form provided by or approved by the City. Each report shall be submitted, along with the information described in Section 2.3 of this Permit, by the fifteenth (15th) day of the following month. Monitoring shall begin on the effective date of this Permit and each pollutant shall be sampled within the specified sampling interval.

3.3 Reports of Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this Permit using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or specified in this Permit, the results of such monitoring shall be included in calculating the daily maximum and monthly average pollutant discharges, and the results of the additional sampling shall be reported in the Discharge Monitoring Report.

3.4 Date of Receipt of Reports

The Executive Director will credit written reports as having been submitted on the date of the post mark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

3.5 Record Keeping

The Permittee shall retain the information listed in Section 2.3 for all monitoring required by this Permit and for any additional monitoring, which could be used to satisfy minimum monitoring requirements. The Permittee must make these records available for inspection and copying at the location of the discharge. The Permittee must similarly maintain documentation associated with any Best Management Practices required under authority of Section 1.5.

Permittee shall retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. For analytes for which Washington State requires use of a certified/accredited laboratory, the Permittee must maintain the scope of accreditation for laboratories performing any analyses for them.

The Permittee shall maintain the above records for at least three (3) years, until any litigation concerning the Permittee or the City, or the Executive Director is complete, or for longer periods when the Permittee has been specifically notified of a longer retention period by the Executive Director.

3.6 Reports of Changed Conditions

The Permittee must notify the Executive Director of any changes to the Permittee's operations or system, which might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty (30) days before the desired change and be sent to both the Executive Director and the receiving POTW if they are different. In such cases:

- A. The Executive Director may require the Permittee to submit whatever information is needed to evaluate the changed condition. The Executive Director may also require the Permittee to submit a new or revised wastewater discharge permit application.
- B. The City may reissue or modify this Permit, applying the procedures of Section 8.3(B) of this Permit, in response to a Permittee's notice under this Section.

3.7 Reports of Potential Problems

- A. Any Permittee, which has any unusual discharge that could cause problems to the POTW must immediately notify the Executive Director by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Permittee to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this Section include violating pretreatment prohibitions, treatment standards, or other requirements of Parts 1 and 5 of this Permit, including gas vapor toxicity and explosivity limits.
- B. Within five (5) days following such discharge, the Permittee shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences. Such notification shall not relieve the Permittee of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Permittee of any fines, penalties, or other liability, which may be imposed pursuant to this Permit.
- C. Regardless of whether the Permittee has been required to submit a Slug Discharge Control Plan per Section 6.3, the Permittee shall post notice in a prominent location advising employees who to call at the POTW to inform the Executive Director of a potential problem discharge as required by Section 3.7(A) above. The Permittee shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.
- D. The Permittee must immediately notify the Executive Director of any changes at their facility, which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site, which, if discharged to the POTW, would cause problems. The Permittee required to prepare a Slug Discharge Control Plan under Section 6.3 shall also modify their plans to include the new conditions prior to, or immediately after making such changes.

3.8 Notification of Violation/Repeat Sampling and Reporting

If sampling performed by the Permittee indicates a violation, the Permittee must notify the Executive Director within twenty-four (24) hours of becoming aware of the violation. The Permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation. The Executive Director may waive the repeat sampling requirement where the Executive Director has sampled the effluent for the pollutant in question prior to the Permittee obtaining sampling results.

3.9 Notification of Discharge of Hazardous Waste

- A. If the Permittee discharges any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or Chapter 173-303 WAC must also comply with the following requirements:
1. Notify the Executive Director, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit application or re-applications under this Section.
 2. Include the following information in the notification:
 - a. The name of the hazardous waste as found in 40 CFR Part 261;
 - b. The USEPA hazardous waste number; and
 - c. The type of discharge (continuous, batch, or other).
 3. If the discharge totals more than two hundred and twenty (220) pound in any month, also provide:
 - a. The hazardous constituents contained in the wastes,
 - b. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month, and
 - c. An estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
 4. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement
 5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provide as soon after discharge as practical and describe why prior notice was not possible.
 6. The Permittee must provide notifications under this paragraph only once to USEPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this Section.
 7. This requirement does not relieve the Permittee from requirements to provide other notifications, such as of changed conditions under Section 3.6 of this Permit, or applicable Permit conditions, permit application requirements, and prohibitions.
 8. The notification requirements in this Section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this Permit.

- B. The Permittee must report all discharges of more than thirty-three (33) pounds per month of substances, which, if otherwise disposed of, would be hazardous wastes. The Permittee must also report any discharge of acutely hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e). Subsequent months during which the Permittee discharges more of a hazardous waste for which notice has already been provided do not require another notification to USEPA or the State, but must be reported to the Executive Director.
- C. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the Permittee must provide notifications under paragraphs A, if required by paragraph B within ninety (90) days of the effective date of such regulations.
- D. For any notification made under this Section, the Permittee shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Permit, an ordinance, or any applicable Federal or State law.

3.10 Authorized or Duly Authorized Representative of the Permittee

All forms, applications, and reports required by this Permit must be signed by an authorized representative of the Permittee, as defined below:

- A. If the Permittee is a corporation:
 - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions, which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the Permittee is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the Permittee is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- D The individuals described in Section 3.10(A-C), may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Executive Director

The Permittee shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The User must submit the new authorization prior to or with any reports to be signed by the new authorized representative.

3.11 Certification Statement

In addition to the signatory requirements defined in Section 3.10 above, all forms, applications, and reports required by this Permit must contain the following certification statement:

“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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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.”

PART 4 – DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Permit, shall have the meanings hereinafter designated.

- 4.1 **Batch** - The stored volume of process wastewater produced during a twenty-four hour period of a typical production day.
- 4.2 **Biochemical Oxygen Demand or BOD** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- 4.3 **Best Management Practices or BMPs** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Part 2 and 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 4.4 **City** The City of Lacey, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington.
- 4.5 **Composite Sample** - A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm. For example, collecting a same size aliquot every 1,000 gallons (flow paced), or a variable sized aliquot every hour (time paced). In both cases, they must interface with a device, which senses the effluent flow volume to collect a representative sample unless the Executive Director has determined that a flow proportionate sample is not required.
- 4.6 **Daily Limit or Daily Maximum Limit** – The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.
- 4.7 **Environmental Compliance Supervisor** – The individual designated by the Executive Director of the LOTT Clean Water Alliance to represent the Executive Director in the implementation of LOTT’s Industrial Pretreatment Program.
- 4.8 **Executive Director** The Executive Director of the LOTT Clean Water Alliance and shall be considered LOTT Clean Water Alliance personnel or the LOTT Clean Water Alliance’s agent for purposes of Article VII of the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999.” The term also means a duly authorized representative of the Executive Director.
- 4.9 **Grab Sample** A sample, which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

- 4.10 **Instantaneous Maximum Discharge Limit or Instantaneous Limit** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where the Permittee is required to take a grab sample for purposes of determining compliance with Local Limits, this standard is the same as the Daily Maximum standard. For pollutants for which Users are required to take composite samples, (or for metals if no permit has been issued) the Instantaneous Limit shall be twice the Daily Limit.
- 4.11 **Interference** – A discharge that causes (either by itself or in combination with other discharges) a violation of LOTT's NPDES and/or Reclaimed Water permits, or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. This includes any discharge from the Permittee that causes a blockage resulting in a discharge at a point not authorized under LOTT's NPDES or Reclaimed Water permits.
- 4.12 **LOTT Clean Water Alliance or LOTT** – A State of Washington nonprofit corporation created by the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999,” that operates as a public agency under State of Washington law, providing wastewater management and reclaimed water production services for the urbanized area of north Thurston County, Washington.
- 4.13 **Medical Waste** – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 4.14 **Monthly Average** The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the Executive Director has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Executive Director are not to be included in a monthly average.
- 4.15 **Monthly Average Limit** The limit to be applied to the Monthly Average to determine compliance with the requirements of this Permit (see Section 1.3 for listing).
- 4.16 **Non-Contact Cooling Water** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 4.17 **Pass Through** – A discharge, which exits the POTW into waters of the United States in quantities or concentrations, which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LOTT's NPDES and/or Reclaimed Water permits, including an increase in the magnitude or duration of a violation.
- 4.18 **Person** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 4.19 **pH** A measure of the acidity or alkalinity of a solution, expressed in standard units.
- 4.20 **Pollutant** – Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, Total Suspended Solids, turbidity, color, Biochemical Oxygen Demand, Carbonaceous Oxygen Demand, toxicity, or odor).

- 4.21 **Pretreatment** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- 4.22 **Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment imposed on the Permittee, other than a pretreatment standard.
- 4.23 **Pretreatment Standards or Standards** Pretreatment standards shall mean the discharge requirements contained in Part 1, and the Prohibited Discharges contained in Part 5.
- 4.24 **Publicly Owned Treatment Works or POTW** A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by LOTT and/or the [City or County] and more fully described in the "Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999." This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.
- 4.25 **Sewage** Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).
- 4.26 **Slug Load or Slug Discharge** - Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits, or Permit conditions. This includes discharges at a flow rate or concentration that could cause a violation of the prohibited discharge standards of Section 1.3 and Part 5 of this Permit.
- 4.27 **Storm Water** - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 4.28 **Total Suspended Solids** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 4.29 **Wastewater** - Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 4.30 **Wastewater Treatment Plant or Treatment Plant** - That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

PART 5 – PROHIBITED DISCHARGES

5.1 General Prohibitions

The Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes Pass Through or Interference.

5.2 Specific Prohibitions

The Permittee shall not introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- A. Pollutants, which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21.
- B. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by the Executive Director through revisions of this Permit issued by the City pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.
- C. Solid or viscous substances in amounts that may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged.
- D. Pollutants, including oxygen-demanding pollutants (Biochemical Oxygen Demand, etc.), released in a discharge at a flow rate and/or pollutant concentration, which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- E. Wastewater having a temperature that will interfere with the biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged, which causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 degrees C).
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- G. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Trucked or hauled pollutants, except at discharge points designated by the Executive Director.
- I. The following are prohibited unless approved by the Executive Director under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (as required under WAC 173-216-050).
 - 1. Non-contact cooling water in volumes the Executive Director determines as significant.
 - 2. Storm water, or other direct inflow sources.
 - 3. Wastewaters affecting system hydraulic loading which do not require treatment, or would not be afforded a significant degree of treatment by the system, as determined by the Executive Director.

- J. Noxious or malodorous liquids, gases, solids, or other wastewater, which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- K. Wastewater, which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating LOTT's NPDES and/or Reclaimed Water permits.
- L. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- M. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Executive Director.
- N. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- O. Medical wastes, except as specifically authorized by the Executive Director and the City in a revision of this Permit.
- P. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- Q. Detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
- R. Fats, oils, or greases of animal or vegetable origin in concentrations greater than three hundred (300) mg/L, or Total Petroleum Hydrocarbon concentrations of no more than fifty (50) mg/L.
- S. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty percent (20%) of the Lower Explosive Limit based on an explosivity meter reading.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

5.3 Dilution Prohibition

The Permittee shall not increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable pretreatment standard or requirement. The Executive Director may impose mass limitations on the Permittee where deemed appropriate to safeguard against the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

5.4 Affirmative Defense to Violating Prohibited Discharge Standards

The Permittee will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 5.1 and 5.2(A-G) of this Permit in certain cases, pursuant to 40 CFR Part 403.5(a)(2). The Permittee must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the Permittee was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the Permittee's prior discharge when LOTT was regularly in compliance with its NPDES and/or Reclaimed Water permits, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements

5.5 Bypass Notification and Reporting

- A. For the purposes of this Section:
1. Bypass means the intentional diversion of wastestreams from any portion of a Permittee's treatment facility.
 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities, which causes 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. Severe property damage does not mean economic loss caused by delays in production.
- B. The Permittee may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is for essential maintenance to assure efficient operation.
- C. Any other bypass must meet the following requirements:
1. The Permittee knowing in advance of the need for a bypass must submit prior notice to the Executive Director, at least ten (10) days before the bypass wherever possible; and
 2. The Permittee must tell the Executive Director of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours of becoming aware of the bypass. The Permittee must provide a written follow-up report within five (5) days. The Executive Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:
 - a. A description of the bypass (volume, pollutants, etc.);
 - b. What caused the bypass;
 - c. When, specifically, the bypass started and ended;
 - d. When the bypass is expected to stop (if ongoing); and
 - e. What steps the Permittee has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.
- D. Bypass is prohibited, and the City may take an enforcement action against the Permittee for a bypass, unless:
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The Permittee submitted notices as required under Section 5.5(C) above.

- E. The Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three (3) conditions listed in Section 5.5(D) above.

PART 6 – SPECIAL CONDITIONS

6.1 Excess Strength Charges

For industrial waste or other discharges exceeding the biochemical oxygen demand (BOD), total suspended solids (TSS), or total ammonia (TA) limits defined in Section 1.3(C) of this Permit, the following formula shall be used to determine the equivalent residential units (ERU) equivalency of the waste flow. The Executive Director may determine that all or part of Permittee's industrial waste or other discharge exceeding the limits defined in Section 1.3(C) results in a net benefit to the operation of the POTW, and may grant exemptions to the Permittee from some or all of the resulting surcharges.

This formula applies only to BOD and/or TSS concentrations in excess of 300 mg/L and total ammonia in excess of 60 mg/L.

A. ERU Equivalent for High Strength Waste shall be the sum of the following:

1. Flow Calculation:

$$(P\text{-FLOW}) \times \frac{\text{Industry flow (cu ft/ month)}}{900 \text{ cu. ft. /ERU}} = \text{FLOW ERUs}$$

2. Biochemical Oxygen Demand Calculation:

$$(P\text{-BOD}) \times \frac{\text{Industry BOD (mg/L)}}{300 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{BOD ERUs}$$

3. Total Suspended Solids Calculation:

$$(P\text{-TSS}) \times \frac{\text{Industry TSS (mg/L)}}{300 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{TSS ERUs}$$

4. Total Ammonia Calculation:

$$(P\text{-TA}) \times \frac{\text{Industry TA (mg/L)}}{60 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{TA ERUs}$$

B. Explanation of terms:

1. (P-FLOW) Percentage treatment costs associated with hydraulic flow, equal to twenty-nine percent (29%)
2. (P-BOD) = Percentage treatment costs associated with biochemical oxygen demand, equal to thirty-four percent (34%)
3. (P-TSS) = Percentage treatment costs associated with total suspended solids, equal to twenty-two percent (22%)
4. (P-TA) = Percentage treatment costs associated with total ammonia, equal to fifteen percent (15%)
5. ERU: (Equivalent Residential Unit) – to 900 cubic feet of wastewater containing a maximum of 300 mg/L of total suspended solids, a maximum of 300 mg/L of biochemical oxygen demand, and a maximum of 60 mg/L of total ammonia.
6. The percentage of treatment costs used in items Sections 6.1(B)(1-4) are calculated based on an average of documented treatment costs

7. All monthly charges per ERU established by the "Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Clean Water Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999," as amended, shall apply to ERU's calculated by the preceding formulas.

6.2 Semi-annual Sampling and Reporting

Semi-annual sampling from Outfall 001 shall occur at least every six months and commence before June 30, 2013, consisting of the following:

Twice each calendar year the Permittee shall sample for the following total metals: Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, and Zinc. These samplings shall be performed on a typical full process workday. Samples shall be grab samples according to Section 2.1, Footnote 3. If Total Chromium in excess of 0.25 mg/L is detected, the Permittee shall immediately resample by grab sample and analyze for Hexavalent Chromium.

In addition, twice each calendar year the Permittee shall sample for Total Cyanide, Fats, oils & greases, and Hydrocarbon-based oils & greases. These samplings shall be performed on a typical full process workday. Samples shall be grab samples according to Section 2.1, Footnote 3. If Total Cyanide in excess of 0.25 mg/L is detected, the Permittee shall immediately resample by grab sample and analyze for Free Cyanide.

6.3 Accidental Discharge/Slug Discharge Control Plans

The Permittee shall develop, implement, and revise whenever additions or revisions have been made to the operation of the facility, an Accidental Discharge/Slug Discharge Control Plan (Plan), and take other actions the Executive Director believes are necessary to control discharges, which may be caused by spills or periodic non-routine activities. The Plan and any revisions shall be submitted to the Executive Director for approval prior to being adopted by the Permittee. Upon approval of the Plan by the Executive Director, failure of the Permittee to promptly revised the Plan to reflect changed conditions, or to follow the Plan in the event of a spill is a violation of this Permit. Accidental discharge/slug discharge control plans shall include at least the following:

- A. A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;
- B. A description of all stored chemicals, disclosing all ingredients in formulations, which could violate a discharge prohibition if discharged to the sewer;
- C. The procedures for immediately notifying the Executive Director and the City of any accidental or slug discharge, as required by Section 3.7 of this Permit; and
- D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

PART 7 – PRETREATMENT OF WASTEWATER

7.1 Pretreatment Facilities

The Permittee shall provide wastewater treatment as necessary to comply with this Permit and shall achieve compliance with all pretreatment standards, local limits, and the prohibitions set out in Sections 1 and 5 of this Permit within the time limitations specified by USEPA, the State, the City, or the Executive Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Permittee's expense

7.2. Proper Operation and Maintenance

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of this Permit. Where design criteria have been established, the Permittee shall not permit flows or waste loadings to exceed approved design criteria. A current and approved Operation and Maintenance Manual shall be maintained by the Permittee to assure that procedures for proper operation and maintenance of the treatment facilities are documented and up to date. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.

7.3 Additional Pretreatment Measures

- A. The Executive Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW, which reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the Executive Director will provide the Permittee advance notice if possible, but shall not delay a response to imminent endangerment.
- B. The Executive Director may halt or prevent any discharge to the POTW, which presents or may present an endangerment to the environment or, which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Executive Director shall attempt to provide not only notice to the Permittee, but the opportunity to respond.
- C. If the Permittee causes the Executive Director to exercise the emergency authorities provided for under Sections 7.3(A) and (B) above, the Permittee shall be responsible for reimbursement of all related costs to the Executive Director and the City.
- D. The Executive Director may require the Permittee to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the Permittee's compliance with the requirements of this Permit.
- E. The Executive Director and the City, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any Permittee to install and maintain, on their property and at their expense the following devices:
 - 1. A sample taking facility accessible to the Executive Director
 - 2. A suitable storage and/or flow equalization tank

3. Grease, oil, and/or grit interceptors
 4. An approved combustible gas detection meter
- F. The Permittee installing any of the above devices shall ensure they are of the type and capacity approved by the City, meet applicable building and plumbing codes, and conform to any separate requirements established by the City and the Executive Director. The Permittee shall locate units in areas easily accessible for cleaning and inspection by representatives of the City or Executive Director. The Permittee shall be responsible for all periodic inspection, cleaning, and repair of such devices.

7.4 Treatment Facility Plan Approval

The Permittee must comply with the regulations contained in Chapter 173-240 WAC, Submission of Plans and Reports for Construction of Wastewater Facilities, prior to the Permittee constructing or modifying, or proposing to construct or modify, any wastewater treatment facilities. Such plans and reports (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC to the Executive Director, the City, and the Department of Ecology for review, and the Permittee shall obtain approval from the Department of Ecology prior to construction. The review of such plans and operating procedures shall in no way relieve the Permittee from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Executive Director and the City under the provisions of this Permit. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided by the Permittee to the Executive Director and the City before commencing any such construction or modification.

PART 8 – PERMIT ADMINISTRATION

8.1 Discharge Permit Fees

Annual discharge permit fees shall be levied on the Permittee based on three criteria: (1) permitted flow rate; (2) permit complexity; and (3) potential danger to the collection system or POTW. The Permittee will be evaluated annually by the Executive Director and placed in one of three categories; with Category III having the highest combination of flow, complexity, and risk. The Executive Director shall use the Permit Fee Category Criteria set forth in the following table.

PERMIT FEE CATEGORY CRITERIA

CRITERION	RANGE	DESCRIPTION	SCORE
Flow	High	>25,000 gpd	3
	Medium	1,000 – 25,000 gpd	2
	Low	<1,000 gpd	1
Complexity	High	Categorical SIU	3
	Medium	Non-Categorical SIU	2
	Low	MIU	1
Potential Danger	High	Excess Strength Discharge, High Spill Potential, Large Quantity Of Toxic Materials, High Flows	3
	Medium	All Others	2
	Low	Low Spill Potential, Low or No Excess Strength, Low Or No Toxics On Site, Low Flows	1

The total scores for all criteria determine the permit category and fee according to the following table. The Executive Director has determined that the Permittee designates as permit category I.

**PERMIT FEES
2013**

SCORE	CATEGORY	FEE
3-4	I	\$292
5-7	II	\$438
8-9	III	\$583

These fees shall be adjusted each calendar year for inflation by an amount equal to ninety (90) percent of the change in the Seattle-Tacoma-Bremerton area Consumer Price Index for Urban Wage and Clerical Workers (CPI-W), as published by the United States Department of Commerce Bureau of Labor Statistics, for the preceding twelve (12) month period. These discharge permit fees are in addition to the excess strength charges required in Section 6.1.

8.2 Permit Issuance Process

- A. Public Notice: The Permittee shall follow the procedures for public notice found in Section 8.6. The Executive Director shall consider and respond to public input as appropriate prior to issuance of a permit.

- B. **Permit Appeals:** The Executive Director shall provide public notice of the issuance of a wastewater discharge permit. The Permittee may petition the City to reconsider the terms of this Permit within thirty (30) days of notice of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider this Permit, not to issue this Permit, or not to modify this Permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Thurston County within ten (10) days of the final administrative action.

8.3 Wastewater Discharge Permit Modification

The City, after consulting with the Executive Director, may modify this Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements including new or revised local limits;
- B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;
- C. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;
- D. Based on information indicating that a permitted discharge poses a threat to the Executive Director's and/or City's POTW or staff, the receiving waters, or to violate a prohibition of this Section;
- E. To address violations of any terms or conditions of this Permit;
- F. To address misrepresentations or failure to fully disclose all relevant facts in this Permit application or in any required report;
- G. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR Part 403.13;
- H. To correct typographical or other errors in this Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 8.4.

8.4 Wastewater Discharge Permit Transfer

This Permit may be transferred to a new owner or operator only if the Permittee gives at least thirty (30) days advance notice to the Executive Director and the City, and the Executive Director and the City approves the Permit transfer. Failure to provide advance notice of a transfer renders this Permit void as of the date of facility transfer. The notice to the Executive Director and the City must include a written certification by the new owner or operator, which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with this Permit.

8.5 Wastewater Discharge Permit Revocation

The City may revoke this Permit for good cause, including, but not limited to, when the Permittee has:

- A. Failed to notify the Executive Director of changes to the wastewater deemed significant by the Executive Director, prior to the changed discharge;
- B. Failed to provide prior notification to the Executive Director of changed conditions pursuant to Section 3.6 of this Permit;
- C. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsified self-monitoring reports or tampered with monitoring equipment;
- E. Refused to allow the Executive Director timely access to the facility premises and records;
- F. Failed to meet effluent limitations or Permit conditions;
- G. Failed to pay applicable fines or sewer charges;
- H. Failed to meet compliance schedule deadline dates;
- I. Failed to complete a wastewater survey or wastewater discharge permit application;
- J. Failed to provide advance notice of the transfer of business ownership;
- K. Violated any pretreatment standard or requirement, or any terms of this Permit, or Permit;
- L. Ceased operations; or
- M. Transferred business ownership.

This Permit is void upon the issuance of a new wastewater discharge permit to the Permittee.

8.6 Permit Application for Renewal

- A. The Permittee shall apply for wastewater discharge permit reissuance by submitting a complete permit application, using the form provided by the Executive Director, a minimum of ninety (90) days prior to the expiration of this Permit.
- B. Persons applying for a new permit or a permit renewal or modification, which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the Executive Director. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:
 - 1. The name and address of the applicant and facility/activity to be permitted;
 - 2. A brief description of the activities or operations, which result in the discharge;
 - 3. Whether any tentative determination, which has been reached with respect to allowing the discharge;
 - 4. The address and phone number of the office of the Executive Director where persons can obtain additional information;
 - 5. The dates of the comment period (which shall be at least 30 days); and

6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.
- C. The Executive Director and the City may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to State agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Executive Director or the City determined there is sufficient public interest the City shall hold a public meeting following the rules of WAC 173-216-100.
 - D. The Executive Director or the City may assume responsibility for the public notice requirements for the Permittee contained in this Section.

PART 9 – COMPLIANCE MONITORING

9.1 Right of Entry: Inspection and Sampling

The Executive Director shall have the right to enter the premises of the Permittee to determine whether the Permittee is complying with all requirements of this Permit, LMC Chapter 13.10, or order issued hereunder. The Permittee shall allow the Executive Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where the Permittee has security measures in force, which require proper identification and clearance before entry into its premises, the Permittee shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Executive Director shall have the right to set-up on the Permittee's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Permittee's operations.
- C. The Permittee shall provide full access to the Executive Director to use any monitoring facilities and utilities available or required in accordance with Sections 7.1 and 7.3(E) and (F) to confirm that the standards or treatment required for discharge to the sewer are being met.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Permittee at the written or verbal request of the Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the Permittee.
- E. Any unreasonable delay in allowing the Executive Director full access to the Permittee's premises and wastewater operations shall be a violation of this Permit.

9.2 Search Warrants

The City, on behalf of the Executive Director, may seek issuance of a search warrant from the Superior Court of Thurston County. Such warrants may be secured when:

- A. The Executive Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this Permit is occurring on the premises;
- B. The Executive Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the Executive Director designed to verify compliance with this Permit, LMC Chapter 13.10, or order issued hereunder; or
- C. The Executive Director has cause to believe there is imminent endangerment of the overall public health, safety, and welfare of the community by an activity on the premises.

PART 10- CONFIDENTIAL INFORMATION

Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. To the extent such is consistent with State and Federal laws, the Permittee may have certain information treated as confidential if the following process is followed.

- A. When the Permittee submits information to the City or Executive Director, or provides information to inspectors, the Permittee may request that specific information be maintained as confidential. The Permittee must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.
- B. Dependent on the agency receiving the request, the Executive Director or the City shall review and approve or deny such requests. When approved, the information shall not be publicized by the City unless required by State or Federal law.
- C. All other information submitted to the Executive Director or the City and obtained from the Executive Director's or the City's oversight shall be available to the public subject to the Executive Director or the City records review policy.
- D. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES or Reclaimed Water programs, or pretreatment program, or in enforcement proceedings involving the Permittee.
- E. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR Part 2.302 from being recognized as confidential information.

PART 11 – PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

11.1 Publishing

The Executive Director must annually publish a list of permitted industries, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

11.2 Definition of Significant Noncompliance

For the purposes of this Section, the term **Significant Noncompliance** means:

- A. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the Executive Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.
- B. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's or City's exercise of its emergency authority to halt or prevent such a discharge.
- C. Any violation(s), including of Best Management Practices, which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.
- D. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of Section 1.3.
- E. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by Section 1.3(B)), multiplied by the applicable criteria. Applicable criteria are 1.4 for Biochemical Oxygen Demand, Total Suspended Solids, fats, oils and greases, and 1.2 for all other pollutants except pH.
- F. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in this Permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- G. Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
- H. Failure to accurately report noncompliance.

11.3 Applicability

The criteria in Sections 11.2(A-C) are applicable to all permitted industries, whereas the criteria in Sections 11.2(D-H) are only applicable to Significant Industrial Users.

PART 12– ADMINISTRATIVE ENFORCEMENT REMEDIES

12.1 Notification of Violation

The City may serve a written Notice of Violation on the Permittee that the City and/or the Executive Director finds the Permittee has violated any provision of this Permit, including terms or requirements of an ordinance, order, or a pretreatment standard or requirement. In all cases in this Permit, a continuation of a violation of a provision of this Permit is a “violation.” The Permittee shall, in response to a Notice of Violation, provide the City a written explanation of the violation, its cause, and a corrective action plan within thirty (30) days of the receiving this notice. The Permittee submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The City’s acceptance of a plan does not relieve the Permittee of liability for any violations. The City may also take any action, including emergency actions of any other enforcement action, without first issuing a Notice of Violation.

12.2 Consent Orders

The City may enter into a Consent Order or other voluntary agreement to memorialize agreements with the Permittee for violating any requirement of this Permit after consultation with the Executive Director. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 12.4 and 12.5 of this Permit.

12.3 Show Cause Hearing

After consultation with the Executive Director, the City may propose actions in response to a violation of any provision of this Permit, including a provision of an ordinance, order, or a pretreatment standard or requirement. The City will notify the Permittee of the violation, the proposed action, the rationale, and the Permittee’s rights and obligations to provide evidence why the proposed enforcement action should not be taken, and to provide its support for any alternative it proposes at this meeting. The Permittee shall have the right to a show cause hearing to contest the City's action provided for by this Permit or determination that the Permittee has violated a compliance schedule order.

Any hearing pursuant to this Section must be requested by the Permittee in writing within fifteen (15) business days after the Permittee receives notice of the City's proposed action. The Permittee's written request for hearing shall be filed with the Executive Director.

The hearing authorized by this Section shall be held before the LOTT Technical Sub-Committee (TSC). Formal rules of evidence shall not apply, but the Permittee and the City shall have the right to present witnesses and other evidence. The TSC shall issue a written decision within fourteen (14) business days of the conclusion of the hearing.

The Permittee shall have the right to make an electronic or stenographic record of the proceedings. Such record shall be made at the Permittee's expense.

The TSC may, by resolution or Permit, adopt additional rules for the conduct of hearings pursuant to this Section.

A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Permittee.

12.4 Compliance Orders

The City, after consulting with the Executive Director, may issue a compliance order to the Permittee, if the Permittee has violated any provision of this Permit including a requirement of a Permit, order, or a pretreatment standard or requirement. The compliance order may direct that the Permittee come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the City or Executive Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve the Permittee of liability for any violation, including a continuing violation. If the Permittee does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.5 Cease and Desist Orders

When the City and/or Executive Director finds that the Permittee has violated, or continues to violate, any provision of this Permit, an ordinance, an order issued hereunder, or any other pretreatment standard or requirement, or that the Permittee's past violations are likely to recur, the City may, after consultation with the Executive Director, issue an order to the Permittee directing it to cease and desist all such violations and directing the Permittee to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.6 Administrative Fines

- A. When the City finds that the Permittee has violated, or continues to violate, any provision of this Permit, an ordinance, an order issued hereunder, or any other pretreatment standard or requirement, the City may, after consultation with the Executive Director, fine such Permittee in an amount not to exceed ten thousand dollars (\$10,000). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. The City may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the City's response to the situation, to the amount of the fine.
- C. The City will consider the economic benefit gained by the Permittee as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the City shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the Permittee from the noncompliance.

- D. Unpaid charges, fines, and penalties shall, at thirty (30) calendar days past the due date, be assessed an additional penalty of one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month, or at the rate allowed by law if different from the foregoing. After thirty (30) days, the City shall be authorized to file a lien against the Permittee's property for unpaid charges, fines, and penalties.
- E. If the Permittee wishes to dispute such fines, the Permittee must file a written request for the City to reconsider the fine along with full payment of the fine amount within fifteen (15) working days of being notified of the fine. Where a request has merit as determined by the City and Executive Director, the City may convene a hearing on the matter pursuant to Section 12.3 of this Permit. In the event the Permittee's appeal is successful, the City shall rebate the difference between the initial and final penalty amounts to the Permittee.
- F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.7 Emergency Suspensions

The City may immediately suspend the Permittee's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of persons. In such cases, the City will first provide informal notice to the Permittee. The City may also immediately suspend the Permittee's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

- A. The Permittee, when notified of a suspension of its discharge, shall immediately stop or eliminate its contribution. If the Permittee fails to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the City include immediately severing the sewer connection, at the Permittee's expense, turning off pump stations downstream of the Permittee, and partnering with law enforcement. The City may not allow the Permittee to recommence its discharge until the Permittee has demonstrated to the satisfaction of the City that the situation warranting the suspension has been properly addressed and any proposed Termination proceeding has been resolved.
- B. When the Permittee is responsible, in whole or in part, for any discharge presenting imminent endangerment, the Permittee shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. The Permittee shall submit this report to the City prior to the date of any show cause or termination hearing under Sections 12.3 and 12.8 of this Permit.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

12.8 Termination of Discharge

If the Permittee violates the following conditions, the Permittee is subject to having the privilege of discharging to the public sewer system withdrawn:

- A. Discharge of non-domestic wastewater not authorized by this Permit, including
 - 1. Where the appropriate Permit revision has not been requested;

2. Where the appropriate Permit revision has not yet been issued; or
 3. Where this Permit has been denied or revoked based on the provisions of Section 8.5, Wastewater Discharge Permit Revocation, of this Permit.
- B. Violation of Permit terms and conditions including
1. Exceeding any Permit limit;
 2. Failing to meet other pretreatment standards or requirements;
 3. Violating any prohibition; or
 4. Failing to properly monitor and report discharges or changed conditions
- C. Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not).
- D. Violation of the pretreatment standards and requirements in Sections 1 and 5 of this Permit, including failure to satisfy Industrial Permittee Survey requirements.

When the City determines this remedy is necessary and appropriate to fulfill the intentions of this Permit, and after consulting with the Executive Director, the Permittee will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, under Section 12.3 of this Permit, why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the Permittee

PART 13 – JUDICIAL ENFORCEMENT REMEDIES

13.1 Injunctive Relief

The City may seek injunctive relief when the Permittee has violated, or continues to violate a provision of this Permit, including an ordinance, pretreatment standard or requirement, or an order issued hereunder. In such cases, the City may petition the Superior Court of Thurston County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of this Permit, an ordinance, order, or other requirement imposed by this Permit on activities of the Permittee. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Permittee to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

13.2 Civil Penalties

- A. If the Permittee violates, or continues to violate a provision of this Permit, including a pretreatment standard or requirement, Permit, or order issued hereunder shall be liable to the City for a maximum civil penalty of ten thousand dollars (\$10,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the City or LOTT.
- C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the City may take to resolve noncompliance by the Permittee.

13.3 Criminal Prosecution

- A. If the Permittee willfully or negligently violates any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement, the Permittee shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. If the Permittee negligently introduces any substance into the POTW, which causes personal injury or property damage, the Permittee shall, upon conviction, be guilty of a misdemeanor. If the Permittee willfully introduces any substance into the POTW, which causes personal injury or property damage, the Permittee shall, upon conviction, be guilty of a gross misdemeanor. The Permittee, if convicted, will also be subject to prosecution for violation of any other laws, which may be applicable.
- C. If the Permittee knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Permit, Permit, or order issued hereunder, or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Permit, the Permittee shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

D In the event of a second conviction, the Permittee shall be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

13.4 Remedies Nonexclusive

The remedies provided for in this Permit are not exclusive. The City may take any, all, or any combination of these actions against the Permittee if found to be non-compliant. Enforcement of pretreatment violations will generally be in accordance with LOTT's Enforcement Response Plan. However, the City may take other action against the Permittee when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against the Permittee when found to be non-compliant.

PART 14 – SUPPLEMENTAL ENFORCEMENT ACTION

14.1 Penalties for Late Reports

The City may assess a penalty of up to fifty dollars (\$50) to the Permittee for each day that a report required by this Permit, an ordinance, or order issued hereunder is late. Penalties accrue beginning the fifth (5th) day after the report is due. The City's actions to collect late reporting penalties shall not limit the City's authority to initiate any other enforcement action.

14.2 Performance Bonds

The City may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City and Executive Director as necessary to assure the Permittee will achieve consistent compliance with this Permit. The Executive Director may require this bond as an enforcement response or as a prerequisite to issue or reissue this Permit. Any Permittee who has failed to comply with any provision of this Permit, a previous permit or order issued hereunder, an ordinance, or any other pretreatment standard or requirement may be subject to this requirement. This bond may also be required of any category of permitted industry, which has led to public burdens in the past regardless of the compliance history of the particular industry. The City may use this bond to pay any fees, costs, or penalties assessed to the Permittee whenever the Permittee's account is in arrears for over thirty (30) days. This includes the costs of cleanup of the site if the Permittee goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. The Permittee may petition the City to convert their performance bond to a requirement to provide Liability Insurance, or to forego any such safeguard based on their performance. The Permittee may petition no more frequently than once in any twelve (12) month period.

14.3 Liability Insurance

The City may require the Permittee to provide liability insurance at its discretion. In such cases, the Permittee must provide proof that the insurance is sufficient to cover any liabilities incurred under this Permit, including the cost of damages to the POTW and the environment caused by the Permittee. The City may require the Permittee to provide the proof of such insurance prior to issuing or reissuing this Permit.

14.4 Payment of Outstanding Fees and Penalties

The City may decline to reissue this Permit to the Permittee if the Permittee has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this Permit, a previous permit or order issued hereunder, or an ordinance.

14.5 Water Supply Severance

The City may order water service to the Permittee severed whenever the Permittee has violated or continues to violate any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement. If the Permittee wishing to restore their service, the Permittee must first demonstrate their ability to comply with this Permit and pay the related costs of this action.

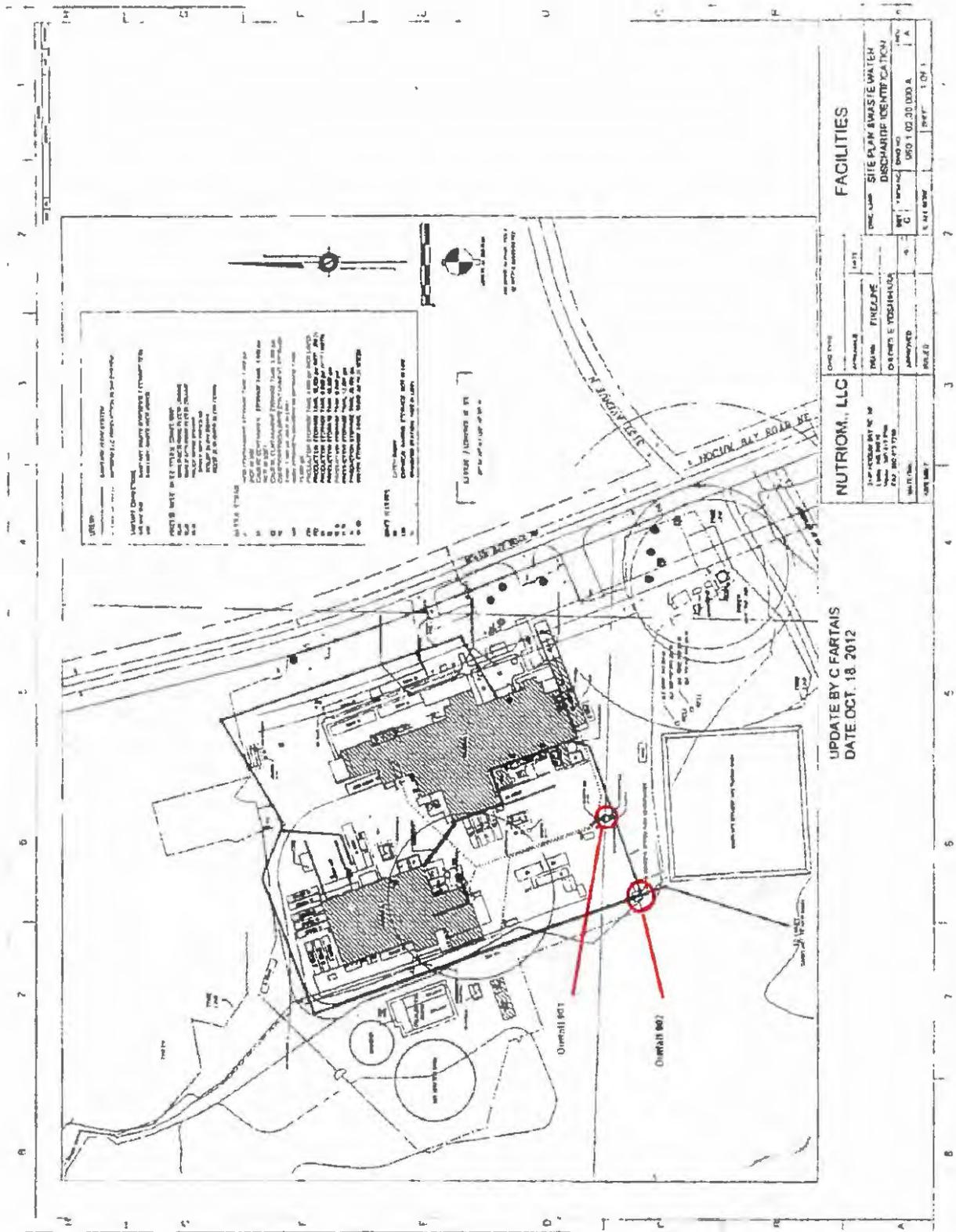
14.6 Public Nuisances

A violation of any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person creating a public nuisance shall be subject to the provisions of City's Municipal Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

APPENDIX I

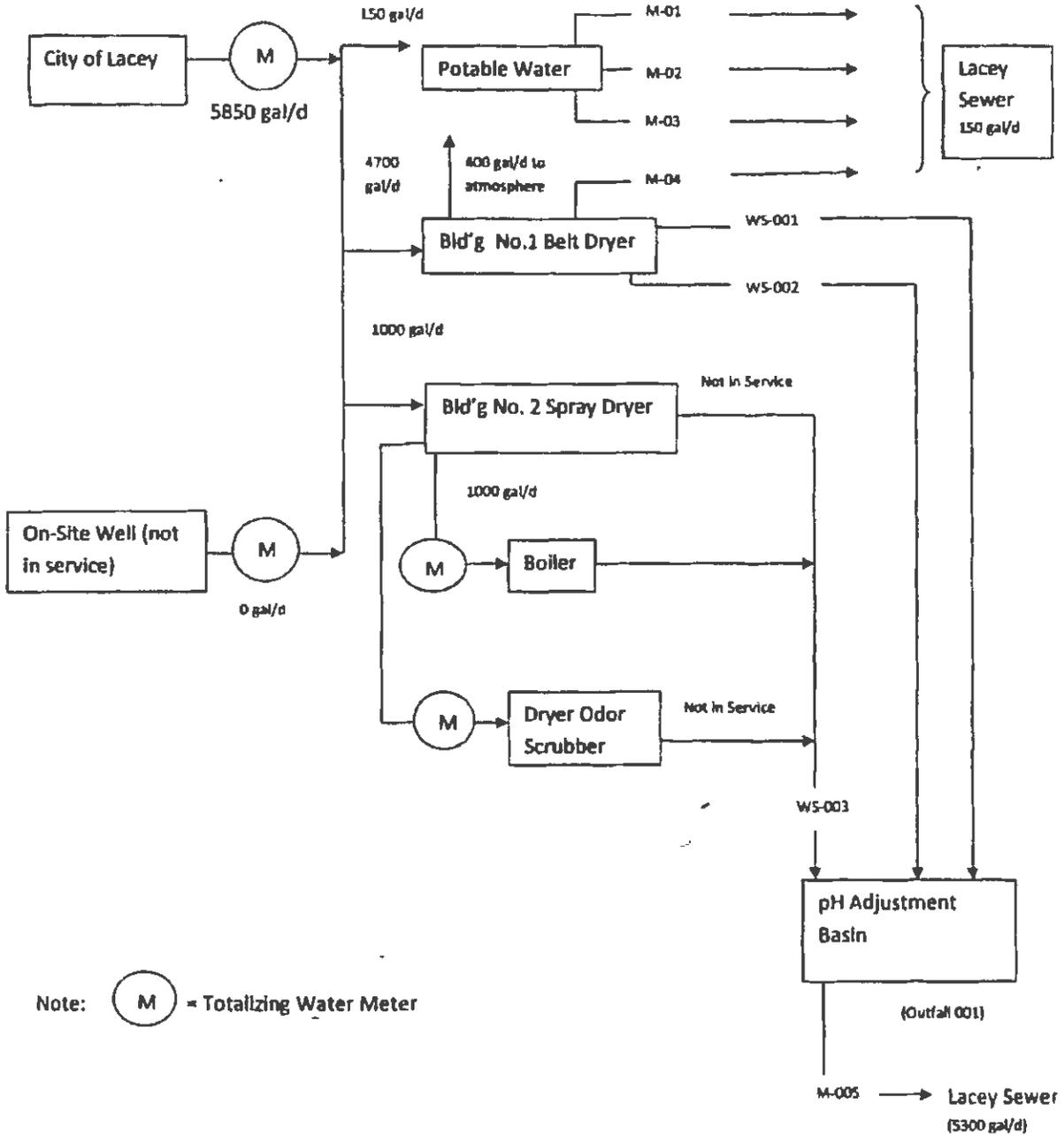
SITE PLAN & FLOW CHART

a. Site Plan with Outfall Locations



b Water Flow Chart

Water Flow Schematic, wastewater treatment and wastewater streams



Note: (M) = Totalizing Water Meter

CITY COUNCIL

VIRGIL CLARKSON
Mayor
JASON HEARN
Deputy Mayor
JEFF GADMAN
LENNY GREENSTEIN
RON LAWSON
CYNTHIA PRATT
ANDY RYDER

CITY MANAGER
SCOTT H. SPENCE



Shaping
our community
together

CITY OF **LACEY**

420 COLLEGE STREET SE
LACEY, WA 98503-1238



WASTEWATER DISCHARGE PERMIT No. LA-004

In accordance with the provisions of Section 13.10 of the Lacey Municipal Code:

Thurston County Public Works
9605 Tilley Road S. STE D
Olympia, WA 98512

hereafter referred to as "Permittee", is hereby authorized to discharge industrial wastewater from the following facility:

Thurston County Waste and Recovery Center located at 2418 Hogum Bay Road NE in Lacey, WA

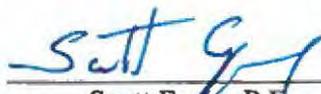
through the outfalls identified herein into the LOTT Clean Water Alliance (LOTT) Publicly Owned Treatment Works (POTW) via the City of Lacey (City) and/or other LOTT Partner sanitary sewer collection system in accordance with the conditions set forth in this Permit. Compliance with this Permit does not relieve the Permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, state, and federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this Permit.

Noncompliance with any term or condition of this Permit shall constitute a violation of the Lacey Municipal Code, Section 13.10.

This Permit shall become effective at 12:01 PM on September 29, 2012, and shall expire at 11:59 PM on September 28, 2017.

If the Permittee wishes to continue to discharge after the expiration date of this Permit, an application must be filed for a renewal permit in accordance with the requirements of Chapter 13.10.010 of the Lacey Municipal Code, and Section 8.6 of this Permit, a minimum of ninety (90) days prior to the expiration date.

By:



Scott Egger, P.E.
Director of Public Works
City of Lacey

By:



Michael D. Strub, P.E.
Executive Director
LOTT Clean Water Alliance

Issued this 28th day of September 2012

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SUBMITTAL SCHEDULE

<u>PERMIT SECTION</u>	<u>SUBMITTAL</u>	<u>FREQUENCY</u>	<u>FIRST SUBMITTAL</u>
3.2	Discharge Monitoring Report	Monthly	15th of month following required monitoring
3.3	Reports of Additional Monitoring by the Permittee	As Needed	As Required
3.8	Notification of Violation/Repeat Sampling and Reporting	As Needed	As Required
3.7	Reports of Potential Problems	As Needed	As Required
5.5	Bypass Notification and Reporting	As Needed	As Required
3.9	Notification of Discharge of Hazardous Waste	As Needed	As Required
3.6	Reports of Changed Conditions	As Needed	30 days prior to commencing
6.2	Volatile and Semi-Volatile Organics Sampling	1/Permit Cycle	As required; to occur by November 29, 2012
6.3	Accidental Discharge/Slug Discharge Control Plans	Update current Plan on file whenever significant facility revisions are planned or have been implemented	Whenever significant facility revisions have been implemented
8.6	Permit Application for Renewal	1/Permit Cycle	90 days prior to expiration date of Permit

PART 1 - DISCHARGE REQUIREMENTS

1.1 Description of Outfalls

Beginning on the effective date of this Permit and lasting through the expiration date, the Permittee is authorized to discharge process and/or domestic wastewater to the City of Lacey and LOTT POTW from the outfalls listed below:

<u>Outfall</u>	<u>Descriptions</u>
001	Aerated leachate lagoon effluent discharge pipe, located at: N 47° 03' 58.44" W 122° 44' 55.24"
002	Sanitary sewer pump station wetwell, located at: N 47° 03' 57.6" W 122° 45' 2.0"
003	Sanitary sewer pumping station, located at: N 47° 03' 53.4" W 122° 45' 52.6"
004	Aerated leachate lagoon influent, located at: N 47° 04' 1.4946" W 122° 44' 53.39"
005	Vactor Waste Decant Facility, discharges into Outfall 001, located at: N 47° 04' 0.9685" W 122° 44' 50.4"

1.2 Waste Streams at Each Outfall

During the term of this permit, the discharge from Outfall 001 shall consist of:

1. Leachate extracted from the sealed municipal solid waste landfill cell,
2. Runoff from the yard waste composting pad,
3. Condensate from traps at gas flare station,
4. Precipitation that has fallen directly into the aerated leachate lagoon, and
5. Vactor waste decanted water and liquid from dewatering solids.

During the term of this permit, the discharge from Outfall 002 shall consist of:

1. Domestic wastewater from the inbound scale house and solid waste transfer station, and
2. Process wastewater and other liquids generated from operating the solid waste transfer station.

During the term of this permit, the discharge from Outfall 003 shall consist of:

1. The combined flows of Outfall 001 and Outfall 002.

During the term of this permit, the discharge from Outfall 005 shall consist of:

1. Vactor waste decanted water and liquid from dewatering solids, and
2. Precipitation falling on drainage areas.

1.3 Effluent Limitations

Beginning on the effective date of this Permit, and lasting through the expiration date, the Permittee shall not discharge wastewater from Outfall 003 in excess of the following effluent limitations:

ANALYTE	DAILY MAXIMUM CONCENTRATION LIMIT	DAILY MAXIMUM LOADING LIMITS (1,000 gallons per day or less)
Arsenic	0.2 mg/L	0.002 lbs. per day
Cadmium	0.2 mg/L	0.002 lbs. per day
Chromium	1.0 mg/L	0.008 lbs. per day
Chromium (hexavalent)	0.25 mg/L	0.002 lbs. per day
Copper	0.5 mg/L	0.004 lbs. per day
Cyanide (total)	0.64 mg/L	0.005 lbs. per day
Cyanide (free)	0.25 mg/L	0.002 lbs. per day
Lead	0.4 mg/L	0.004 lbs. per day
Mercury	0.05 mg/L	0.0004 lbs. per day
Nickel	0.5 mg/L	0.004 lbs. per day
Silver	0.2 mg/L	0.002 lbs. per day
Zinc	1.0 mg/L	0.008 lbs. per day
Fats, oils, & greases of animal or vegetable origin	300 mg/L	Any amount
Hydrocarbon-based oils & greases	50 mg/L	Any amount
Minimum pH	5.0 standard units	N/A
Maximum pH	11.0 standard units	N/A
Reduction in POTW effluent ultra violet transmissivity (per cm at 254 nm wavelength)	10% reduction	N/A
Decrease in POTW maximum effluent no observed effect concentration (NOEC) in any whole effluent toxicity test	10% decrease	N/A

WASTE LOADING PARAMETER	DAILY MAXIMUM (with authorization)	DAILY MAXIMUM (without authorization)	MONTHLY AVERAGE (measured over calendar month)
Flow	100,000 Gallons/day	50,000 Gallons/day	50,000 Gallons/day

- A. The Permittee shall notify the POTW to request authorization twenty-four hours prior to increasing effluent flows from the aerated leachate lagoon to the sanitary sewer above 50,000 gallons per day. No flows over 50,000 gallons per day are authorized without prior approval from the Industrial Waste Program Supervisor.
- B. All concentrations for metallic substances are for total metal unless indicated otherwise. The Executive Director may impose mass limits in addition to concentration-based limits.
- C. The Permittee shall be subject to "instantaneous limits" (as determined by a grab sample) of equal to twice the above "daily maximum" concentrations for any pollutant for which a composite sample is required in this Permit. This provision is inapplicable to the Permittee when there is no permit requirement to collect a composite sample for the analyte in question.

ANALYTE	EXCESS STRENGTH CHARGES THRESHOLD LIMIT	PERMITTED DISCHARGE THRESHOLD AMOUNT
Biochemical Oxygen Demand (BOD ₅)	300 mg/L	2.5 lbs. per day
Total Suspended Solids	300 mg/L	2.5 lbs. per day
Total Ammonia, as ammonia (NH ₃) and ammonium ion (NH ₄ ⁺)	60 mg/L	0.5 lbs. per day

- D. If the Permittee discharges Biochemical Oxygen Demand, Total Suspended Solids, or Total Ammonia in excess of the concentration limits or threshold amounts listed above, the Permittee will be subject to surcharges as established in and under the authority of Section 14.1 up to any maximum loading limit established by this Permit.
- E. The City may use this Permit to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not contained in this Section. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, and any other pollutant.

1.4 Requirement to Apply AKART

The Permittee shall provide all known, available, and reasonable methods of prevention, control and treatment (AKART) as required to comply with this Permit and local, State and Federal regulations, and shall achieve compliance with all applicable pretreatment standards and requirements within the time limitations as specified by appropriate statutes, regulations, chapters and ordinances. Any facilities required to treat wastewater to satisfy applicable pretreatment standards and requirements contained in this Permit, shall be supplied, properly operated, and maintained at the Permittee's expense.

1.5 Best Management Practices

The Executive Director may establish, and the City require, Best Management Practices (BMPs) for any category of industry or type of industrial process, which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the effluent limitations contained in Section 1.3. BMPs may also include alternative limits, which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

1.6 Right of Revision

The Executive Director and the City reserves the right to establish, by this Permit, more stringent standards or requirements on discharges to the POTW.

PART 2- MONITORING REQUIREMENTS

2.1 Monitoring Schedule

From the period beginning on the effective date of this Permit and lasting through the expiration date, the Permittee shall monitor Outfall 003 for the following parameters, at the indicated frequency:

<u>Parameter (units)</u>	<u>Locations</u>	<u>Frequency</u>	<u>Sample Type</u>
BOD ₅ (mg/L)	003	Three/month ²	24-hour flow-proportioned composite
TSS (mg/L)	003	Three/month ²	24-hour flow-proportioned composite
pH	003	Once/Week	Grab/Meter
Fats, oils, & greases of animal or vegetable origin (mg/L)	003	Once/month	Grab
Hydrocarbon-based oils & greases (mg/L)	003	Once/month	Grab
Arsenic, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Cadmium, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Chromium, total ¹ (mg/L)	003	Once/month	24-hour flow-proportioned composite
Copper, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Lead, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Mercury, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Molybdenum, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Nickel, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Selenium, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Silver, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Zinc, total (mg/L)	003	Once/month	24-hour flow-proportioned composite
Cyanide, total ¹ (mg/L)	003	Once/month	Grab
EPA 624 Volatiles	003	1/Permit cycle	Grab
EPA 625 Semi-Volatiles	003	1/Permit cycle	24-hour flow-proportioned composite

From the period beginning on the effective date of the Permit and lasting through the expiration date, the Permittee shall monitor Outfalls 001 and 002 for the following parameters, at the indicated frequency:

<u>Parameter (units)</u>	<u>Locations</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (gallons/day)	001 & 002	Continuously	Meter
Ammonia (mg/L)	001	Once/month	24-hour flow-proportioned composite
Total Dissolved Solids (mg/L)	001	Once/month	24-hour flow-proportioned composite
pH (SU)	001	Once/month	Grab/Meter
Temperature (degrees Celsius)	001	Once/month	Grab/Meter
Conductivity (umho/cm)	001	Once/month	Grab/Meter
Dissolved Oxygen (mg/L)	001	Once/month	Grab/Meter

¹ If total chromium in excess of 0.25 mg/l is detected, the Permittee shall immediately resample by grab sample and analyze for hexavalent chromium; if total cyanide in excess of 0.25 mg/l is detected, the Permittee shall immediately resample and analyze for free cyanide.

² Samples for biochemical oxygen demand (BOD₅) and total suspended solids (TSS) shall be collected during three consecutive days in accordance with Part 2.4 of this permit

No sampling from Outfall 001 will be required during periods when there is no discharge from Outfall 001 for the entire month.

2.2 Analytical Requirements

All pollutant sampling and analyses required under this Permit shall conform to the most current version of 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Executive Director determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Executive Director may specify an analytical method. If neither case applies, the Permittee shall use validated analytical methods or applicable sampling and analytical procedures approved by USEPA.

2.3 Recording of Results

For each measurement or sample taken, the Permittee shall record the following information:

- A. The date, exact place, and time of the sampling;
- B. The method of sample taking and preservation;
- C. The names of the person(s) who performed the sampling or measurements, and each person with custody of the sample until analysis;
- D. The date(s) analyses were performed and who performed them;
- E. The analytical techniques or methods used;
- F. The results of such analyses, and;
- G. All quality control/quality assurance results pertaining to the analyses.

This information shall be included in the Discharge Monitoring Report described in Section 3.2 of this Permit. Additional information, such as laboratory raw data, shall be submitted to the Executive Director upon request.

2.4 Representative Sampling

- A. The Permittee must ensure that all samples collected to satisfy sampling requirements under this Permit are representative of the range of conditions occurring during the reporting period. Samples and measurements taken to meet the requirements of this Permit shall be representative of the volume and nature of the monitored discharge(s) and the discharges monitored shall be representative of daily operations.
- B. All samples shall be taken at the monitoring points specified in this Permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to and the approval of the Executive Director.

2.5 Sample Collection and Analysis

- A. The Permittee must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate USEPA guidance.
- B. The Permittee must obtain samples for oil and grease, temperature, pH, cyanide, total, and volatile organic compounds using grab collection techniques.
- C. For certain pollutants, the Permittee may composite multiple grab samples taken over a 24-hour period. The Permittee may composite grab samples for cyanide either in the laboratory or in the field, and may composite grab samples for volatile organics and oil & grease in the laboratory prior to analysis.
- D. For all other pollutants, the Permittee must be representative of the volume and nature of the monitored discharge(s) and the discharges monitored shall be representative of daily operations.
- E. The Executive Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.
- F. The Executive Director may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.
- G. In all cases, the Permittee must take care to ensure the samples are representative of their wastewater discharges.

2.6 Requirements for Laboratory Accreditation

All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, Accreditation of Environmental Laboratories, except for flow, temperature, total suspended solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

PART 3 – REPORTING REQUIREMENTS

3.1 Where to Send Reports or Make Notifications

All reports required by this Permit shall be submitted to LOTT at the following address:

Environmental Compliance Supervisor
LOTT Clean Water Alliance
500 Adams Street NE
Lacey, WA 98501-1073

Telephone notification shall be made to the LOTT Environmental Compliance Supervisor at phone number (360) 528-5708, or if unavailable, to the LOTT Budd Inlet Treatment Plant at phone (360) 528-5700.

3.2 Scheduled Reports – Discharge Monitoring Reports

The Permittee shall summarize and report the results of all monitoring of pollutants discharged to the POTW. This information shall be compiled each month and reported on a form provided by or approved by the City. Each report shall be submitted, along with the information described in Section 2.3 of this Permit, by the fifteenth (15th) day of the following month. Monitoring shall begin on the effective date of this Permit and each pollutant shall be sampled within the specified sampling interval.

3.3 Reports of Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this Permit using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or specified in this Permit, the results of such monitoring shall be included in calculating the daily maximum and monthly average pollutant discharges, and the results of the additional sampling shall be reported in the Discharge Monitoring Report.

3.4 Date of Receipt of Reports

The Executive Director will credit written reports as having been submitted on the date of the post mark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

3.5 Record Keeping

The Permittee shall retain the information listed in Section 2.3 for all monitoring required by this Permit and for any additional monitoring, which could be used to satisfy minimum monitoring requirements. The Permittee must make these records available for inspection and copying at the location of the discharge. The Permittee must similarly maintain documentation associated with any Best Management Practices required under authority of Section 1.5.

Permittee shall retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. For analytes for which Washington State requires use of a certified/accredited laboratory, the Permittee must maintain the scope of accreditation for laboratories performing any analyses for them.

The Permittee shall maintain the above records for at least three (3) years, until any litigation concerning the Permittee or the City, or the Executive Director is complete, or for longer periods when the Permittee has been specifically notified of a longer retention period by the Executive Director.

3.6 Reports of Changed Conditions

The Permittee must notify the Executive Director of any changes to the Permittee's operations or system, which might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty (30) days before the desired change and be sent to both the Control Authority (Executive Director) and the receiving POTW if they are different. In such cases:

- A. The Executive Director may require the Permittee to submit whatever information is needed to evaluate the changed condition. The Executive Director may also require the Permittee to submit a new or revised wastewater discharge permit application.
- B. The City may reissue or modify this Permit, applying the procedures of Section 8.3(B) of this Permit, in response to a Permittee's notice under this Section.

3.7 Reports of Potential Problems

- A. Any Permittee, which has any unusual discharge that could cause problems to the POTW must immediately notify the Executive Director by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Permittee to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this Section include violating pretreatment prohibitions, treatment standards, or other requirements of Chapters 1 and 5 of this Permit, including gas vapor toxicity and explosivity limits.
- B. Within five (5) days following such discharge, the Permittee shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences. Such notification shall not relieve the Permittee of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Permittee of any fines, penalties, or other liability, which may be imposed pursuant to this Permit.
- C. Regardless of whether the Permittee has been required to submit a Slug Discharge Control Plan per Section 6.3, the Permittee shall post notice in a prominent location advising employees who to call at the POTW to inform the Executive Director of a potential problem discharge as required by Section 3.7(A) above. The Permittee shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.
- D. The Permittee must immediately notify the Executive Director of any changes at their facility, which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site, which, if discharged to the POTW, would cause problems. The Permittee required to prepare a Slug Discharge Control Plan under Section 6.3 shall also modify their plans to include the new conditions prior to, or immediately after making such changes.

3.8 Notification of Violation/Repeat Sampling and Reporting

If sampling performed by the Permittee indicates a violation, the Permittee must notify the Executive Director within twenty-four (24) hours of becoming aware of the violation. The Permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation. The Executive Director may waive the repeat sampling requirement where the Executive Director has sampled the effluent for the pollutant in question prior to the Permittee obtaining sampling results.

3.9 Notification of Discharge of Hazardous Waste

- A. If the Permittee discharges any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or Chapter 173-303 WAC must also comply with the following requirements:
1. Notify the Executive Director, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit application or re-applications under this Chapter.
 2. Include the following information in the notification:
 - a. The name of the hazardous waste as found in 40 CFR Part 261;
 - b. The USEPA hazardous waste number; and
 - c. The type of discharge (continuous, batch, or other).
 3. If the discharge totals more than two hundred and twenty (220) pound in any month, also provide:
 - a. The hazardous constituents contained in the wastes,
 - b. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month, and
 - c. An estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
 4. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement.
 5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provide as soon after discharge as practical and describe why prior notice was not possible.
 6. The Permittee must provide notifications under this paragraph only once to USEPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this Chapter.
 7. This requirement does not relieve the Permittee from requirements to provide other notifications, such as of changed conditions under Section 3.6 of this Permit, or applicable Permit conditions, permit application requirements, and prohibitions.
 8. The notification requirements in this Section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this Permit.

- B. The Permittee must report all discharges of more than thirty-three (33) pounds per month of substances, which, if otherwise disposed of, would be hazardous wastes. The Permittee must also report any discharge of acutely hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e). Subsequent months during which the Permittee discharges more of a hazardous waste for which notice has already been provided do not require another notification to USEPA or the State, but must be reported to the Executive Director.
- C. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the Permittee must provide notifications under paragraphs A, if required by paragraph B within ninety (90) days of the effective date of such regulations.
- D. For any notification made under this Section, the Permittee shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Permit, an ordinance, or any applicable Federal or State law.

3.10 Authorized or Duly Authorized Representative of the Permittee

All forms, applications, and reports required by this Permit must be signed by an authorized representative of the Permittee, as defined below:

- A. If the Permittee is a corporation:
 - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions, which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the Permittee is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the Permittee is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in Section 3.10(A-C), may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or having overall

responsibility for environmental matters for the company, and the written authorization is submitted to the Executive Director.

The Permittee shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The User must submit the new authorization prior to or with any reports to be signed by the new authorized representative.

3.11 Certification Statement

In addition to the signatory requirements defined in Section 3.10 above, all forms, applications, and reports required by this Permit must contain the following certification statement:

“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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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.”

PART 4 – DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Permit, shall have the meanings hereinafter designated.

- 4.1 **Biochemical Oxygen Demand or BOD** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- 4.2 **Best Management Practices or BMPs** – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1(A) and (B) and 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 4.3 **City** – The City of Lacey, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington.
- 4.4 **Composite Sample** – A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm. For example, collecting a same size aliquot every 1,000 gallons (flow paced), or a variable sized aliquot every hour (time paced). In both cases, they must interface with a device, which senses the effluent flow volume to collect a representative sample unless the Executive Director has determined that a flow proportionate sample is not required.
- 4.5 **Daily Limit or Daily Maximum Limit** – The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.
- 4.6 **Environmental Compliance Supervisor** – The individual designated by the Executive Director of the LOTT Clean Water Alliance to represent the Executive Director in the implementation of LOTT’s Industrial Pretreatment Program.
- 4.7 **Executive Director** – The Executive Director of the LOTT Clean Water Alliance and shall be considered LOTT Clean Water Alliance personnel or the LOTT Clean Water Alliance’s agent for purposes of Article VII of the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999.” The term also means a duly authorized representative of the Executive Director.
- 4.8 **Grab Sample** – A sample, which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

- 4.9 **Instantaneous Maximum Discharge Limit or Instantaneous Limit** - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where the Permittee is required to take a grab sample for purposes of determining compliance with Local Limits, this standard is the same as the Daily Maximum standard. For pollutants for which Users are required to take composite samples, (or for metals if no permit has been issued) the Instantaneous Limit shall be twice the Daily Limit.
- 4.10 **Interference** - A discharge that causes (either by itself or in combination with other discharges) a violation of LOTT's NPDES permit, or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. This includes any discharge from the Permittee that causes a blockage resulting in a discharge at a point not authorized under LOTT's NPDES permit.
- 4.11 **LOTT Clean Water Alliance or LOTT** - A State of Washington nonprofit corporation created by Interlocal Agreement that operates as a public agency under State of Washington law, providing wastewater management and reclaimed water production services for the urbanized area of north Thurston County, Washington.
- 4.12 **Medical Waste** - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 4.13 **Monthly Average** - The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the Control Authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.
- 4.14 **Monthly Average Limit** - The limit to be applied to the Monthly Average to determine compliance with the requirements of this Permit (see Section 1.3 for listing).
- 4.15 **Non-Contact Cooling Water** - Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 4.16 **Pass Through** A discharge, which exits the POTW into waters of the United States in quantities or concentrations, which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LOTT's NPDES permit, including an increase in the magnitude or duration of a violation.
- 4.17 **Person** - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 4.18 **pH** - A measure of the acidity or alkalinity of a solution, expressed in standard units.
- 4.19 **Pollutant** - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, Total Suspended Solids, turbidity, color, Biochemical Oxygen Demand, Carbonaceous Oxygen Demand, toxicity, or odor).

- 4.20 **Pretreatment** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- 4.21 **Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment imposed on the Permittee, other than a pretreatment standard.
- 4.22 **Pretreatment Standards or Standards** – Pretreatment standards shall mean the discharge requirements contained in Part 1, and the Prohibited Discharges contained in Part 5.
- 4.23 **Publicly Owned Treatment Works or POTW** – A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by LOTT and/or the [City or County] and more fully described in the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999.” This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.
- 4.24 **Sewage** – Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).
- 4.25 **Slug Load or Slug Discharge** – Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, local limits, or Permit conditions. This includes discharges at a flow rate or concentration that could cause a violation of the prohibited discharge standards of Section 1.3 and Part 5 of this Permit.
- 4.26 **Storm Water** – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 4.27 **Total Suspended Solids** – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 4.28 **Wastewater** – Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 4.29 **Wastewater Treatment Plant or Treatment Plant** – That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

PART 5 – PROHIBITED DISCHARGES

5.1 General Prohibitions

The Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes Pass Through or Interference.

5.2 Specific Prohibitions

The Permittee shall not introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- A. Pollutants, which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21.
- B. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by the Executive Director through revisions of this Permit issued by the City pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.
- C. Solid or viscous substances in amounts that may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged.
- D. Pollutants, including oxygen-demanding pollutants (Biochemical Oxygen Demand, etc.), released in a discharge at a flow rate and/or pollutant concentration, which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- E. Wastewater having a temperature that will interfere with the biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged, which causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 degrees C).
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- G. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Trucked or hauled pollutants, except at discharge points designated by the Executive Director.
- I. The following are prohibited unless approved by the Executive Director under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (as required under WAC 173-216-050).
 - 1. Non-contact cooling water in volumes the Executive Director determines as significant.
 - 2. Storm water, or other direct inflow sources.
 - 3. Wastewaters affecting system hydraulic loading which do not require treatment, or would not be afforded a significant degree of treatment by the system, as determined by the Executive Director.

- J. Noxious or malodorous liquids, gases, solids, or other wastewater, which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- K. Wastewater, which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating LOTT's NPDES permit.
- L. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- M. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Executive Director.
- N. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- O. Medical wastes, except as specifically authorized by the Executive Director and the City in a revision of this Permit.
- P. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- Q. Detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
- R. Fats, oils, or greases of animal or vegetable origin in concentrations greater than three hundred (300) mg/L, or Total Petroleum Hydrocarbon concentrations of no more than fifty (50) mg/L.
- S. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty percent (20%) of the Lower Explosive Limit based on an explosivity meter reading.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

5.3 Dilution Prohibition

The Permittee shall not increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable pretreatment standard or requirement. The Executive Director may impose mass limitations on the Permittee where deemed appropriate to safeguard against the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

5.4 Affirmative Defense to Violating Prohibited Discharge Standards

The Permittee will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 5.1 and 5.2(A-G) of this Permit in certain cases, pursuant to 40 CFR Part 403.5(a)(2). The Permittee must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the Permittee was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the Permittee's prior discharge when LOTT was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

5.5 Bypass Notification and Reporting

- A. For the purposes of this Section:

1. Bypass means the intentional diversion of wastestreams from any portion of a Permittee's treatment facility.
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities, which causes 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. Severe property damage does not mean economic loss caused by delays in production.

- B. The Permittee may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is for essential maintenance to assure efficient operation.

- C. Any other bypass must meet the following requirements:

1. The Permittee knowing in advance of the need for a bypass must submit prior notice to the Executive Director, at least ten (10) days before the bypass wherever possible; and
2. The Permittee must tell the Executive Director of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours of becoming aware of the bypass. The Permittee must provide a written follow-up report within five (5) days. The Executive Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:
 - a. A description of the bypass (volume, pollutants, etc.);
 - b. What caused the bypass;
 - c. When, specifically, the bypass started and ended;
 - d. When the bypass is expected to stop (if ongoing); and
 - e. What steps the Permittee has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.

- D. Bypass is prohibited, and the City may take an enforcement action against the Permittee for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The Permittee submitted notices as required under Section 5.5(C) above.

- E. The Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three (3) conditions listed in Section 5.5(D) above.

PART 6 – SPECIAL CONDITIONS

6.1 Excess Strength Charges

For industrial waste or other discharges exceeding the biochemical oxygen demand (BOD), total suspended solids (TSS), or total ammonia (TA) limits defined in Section 1.3(D) of this Permit, the following formula shall be used to determine the equivalent residential units (ERU) equivalency of the waste flow. The Executive Director may determine that all or part of Permittee's industrial waste or other discharge exceeding the limits defined in Section 1.3(D) results in a net benefit to the operation of the POTW, and may grant exemptions to the Permittee from some or all of the resulting surcharges.

This formula applies only to BOD and/or TSS concentrations in excess of 300 mg/L and total ammonia in excess of 60 mg/L.

A. ERU Equivalent for High Strength Waste shall be the sum of the following:

1. Flow Calculation:

$$(P\text{-FLOW}) \times \frac{\text{Industry flow (cu ft/ month)}}{900 \text{ cu. ft. /ERU}} = \text{FLOW ERUs}$$

2. Biochemical Oxygen Demand Calculation:

$$(P\text{-BOD}) \times \frac{\text{Industry BOD (mg/L)}}{300 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{BOD ERUs}$$

3. Total Suspended Solids Calculation:

$$(P\text{-TSS}) \times \frac{\text{Industry TSS (mg/L)}}{300 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{TSS ERUs}$$

4. Total Ammonia Calculation:

$$(P\text{-TA}) \times \frac{\text{Industry TA (mg/L)}}{60 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{TA ERUs}$$

B. Explanation of terms:

1. (P-FLOW) = Percentage treatment costs associated with hydraulic flow, equal to twenty-nine percent (29%)
2. (P-BOD) = Percentage treatment costs associated with biochemical oxygen demand, equal to thirty-four percent (34%)
3. (P-TSS) = Percentage treatment costs associated with total suspended solids, equal to twenty-two percent (22%)
4. (P-TA) = Percentage treatment costs associated with total ammonia, equal to fifteen percent (15%)
5. ERU: (Equivalent Residential Unit) = to 900 cubic feet of wastewater containing a maximum of 300 mg/L of total suspended solids, a maximum of 300 mg/L of biochemical oxygen demand, and a maximum of 60 mg/L of total ammonia.
6. The percentage of treatment costs used in items Sections 6.1(B)(1-4) are calculated based on an average of documented treatment costs.

7. All monthly charges per ERU established by the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Clean Water Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999,” as amended, shall apply to ERU's calculated by the preceding formulas.

6.2 Volatile and Semi-volatile Organics Sampling

The Permittee shall submit within 60 days of the effective date of this Permit, one-time sampling data for Volatile and Semi-volatile Organic Priority Pollutants. This sampling shall be performed on a typical full process workday and shall include all volatile compounds listed in EPA Method 624 and all semi-volatile compounds listed in EPA Method 625, as published in 40 CFR Part 136.

6.3 Accidental Discharge/Slug Discharge Control Plans

The Permittee shall develop and implement, and revise whenever additions or revisions have been made to the operation of the facility, an Accidental Discharge/Slug Discharge Control Plan (Plan), and take other actions the Executive Director believes are necessary to control discharges, which may be caused by spills or periodic non-routine activities. The Plan and any revisions shall be submitted to the Executive Director for approval prior to being adopted by the Permittee. Upon approval of the Plan by the Executive Director, failure of the Permittee to promptly revised the Plan to reflect changed conditions, or to follow the Plan in the event of a spill is a violation of this Permit. Accidental discharge/slug discharge control plans shall include at least the following:

- A. A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;
- B. A description of all stored chemicals, disclosing all ingredients in formulations, which could violate a discharge prohibition if discharged to the sewer;
- C. The procedures for immediately notifying the Executive Director and the City of any accidental or slug discharge, as required by Section 3.7 of this Permit; and
- D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

PART 7 – PRETREATMENT OF WASTEWATER

7.1 Pretreatment Facilities

The Permittee shall provide wastewater treatment as necessary to comply with this Permit and shall achieve compliance with all pretreatment standards, local limits, and the prohibitions set out in Sections 1 and 5 of this Permit within the time limitations specified by USEPA, the State, the City, or the Executive Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Permittee's expense.

7.2. Proper Operation and Maintenance

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of this Permit. Where design criteria have been established, the Permittee shall not permit flows or waste loadings to exceed approved design criteria. A current and approved Operation and Maintenance Manual shall be maintained by the Permittee to assure that procedures for proper operation and maintenance of the treatment facilities are documented and up to date. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.

7.3 Additional Pretreatment Measures

- A. The Executive Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW, which reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the Executive Director will provide the Permittee advance notice if possible, but shall not delay a response to imminent endangerment.
- B. The Executive Director may halt or prevent any discharge to the POTW, which presents or may present an endangerment to the environment or, which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Executive Director shall attempt to provide not only notice to the Permittee, but the opportunity to respond.
- C. If the Permittee causes the Executive Director to exercise the emergency authorities provided for under Sections 7.3(A) and (B) above, the Permittee shall be responsible for reimbursement of all related costs to the Executive Director and the City.
- D. The Executive Director may require the Permittee to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the Permittee's compliance with the requirements of this Permit.
- E. The Executive Director and the City, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any Permittee to install and maintain, on their property and at their expense the following devices:
 1. A sample taking facility accessible to the Executive Director
 2. A suitable storage and/or flow equalization tank
 3. Grease, oil, and/or grit interceptors

4. An approved combustible gas detection meter
- F. The Permittee installing any of the above devices shall ensure they are of the type and capacity approved by the City, meet applicable building and plumbing codes, and conform to any separate requirements established by the City and the Executive Director. The Permittee shall locate units in areas easily accessible for cleaning and inspection by representatives of the City or Executive Director. The Permittee shall be responsible for all periodic inspection, cleaning, and repair of such devices.

7.4 Treatment Facility Plan Approval

The Permittee must comply with the regulations contained in Chapter 173-240 WAC, Submission of Plans and Reports for Construction of Wastewater Facilities, prior to the Permittee constructing or modifying, or proposing to construct or modify, any wastewater treatment facilities. Such plans and reports (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC to the Executive Director, the City, and the Department of Ecology for review, and the Permittee shall obtain approval from the Department of Ecology prior to construction. The review of such plans and operating procedures shall in no way relieve the Permittee from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Executive Director and the City under the provisions of this Permit. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided by the Permittee to the Executive Director and the City before commencing any such construction or modification.

PART 8 – PERMIT ADMINISTRATION

8.1 Discharge Permit Fees

Annual discharge permit fees shall be levied on the Permittee based on three criteria: (1) permitted flow rate; (2) permit complexity; and (3) potential danger to the collection system or POTW. The Permittee will be evaluated annually by the Executive Director and placed in one of three categories; with Category III having the highest combination of flow, complexity, and risk. The Executive Director shall use the Permit Fee Category Criteria set forth in the following table.

PERMIT FEE CATEGORY CRITERIA

CRITERION	RANGE	DESCRIPTION	SCORE
Flow	High	>25,000 gpd	3
	Medium	1,000 – 25,000 gpd	2
	Low	<1,000 gpd	1
Complexity	High	Categorical SIU	3
	Medium	Non-Categorical SIU	2
	Low	MIU	1
Potential Danger	High	Excess Strength Discharge, High Spill Potential, Large Quantity Of Toxic Materials, High Flows	3
	Medium	All Others	2
	Low	Low Spill Potential, No Excess Strength, Low Or No Toxics On Site, Low Flows	1

The total scores for all criteria determine the permit category and fee according to the following table. The Executive Director has determined that the Permittee designates as permit category 2.

**PERMIT FEES
2012**

SCORE	CATEGORY	FEE
3-4	I	\$285
5-7	II	\$428
8-9	III	\$570

These fees shall be adjusted each calendar year for inflation by an amount equal to ninety (90) percent of the change in the Seattle-Tacoma-Bremerton area Consumer Price Index for Urban Wage and Clerical Workers (CPI-W), as published by the United States Department of Commerce Bureau of Labor Statistics, for the preceding twelve (12) month period. These discharge permit fees are in addition to the excess strength charges required in Section 6.1.

8.2 Permit Issuance Process

- A. **Public Notice:** The Permittee shall follow the procedures for public notice found in Section 8.6. The Executive Director shall consider and respond to public input as appropriate prior to issuance of a permit.

- B. **Permit Appeals:** The Executive Director shall provide public notice of the issuance of a wastewater discharge permit. The Permittee may petition the City to reconsider the terms of this Permit within thirty (30) days of notice of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider this Permit, not to issue this Permit, or not to modify this Permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Thurston County within ten (10) days of the final administrative action.

8.3 Wastewater Discharge Permit Modification

The City, after consulting with the Executive Director, may modify this Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements including new or revised local limits;
- B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;
- C. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;
- D. Based on information indicating that a permitted discharge poses a threat to the Executive Director's and/or City's POTW or staff, the receiving waters, or to violate a prohibition of this Chapter;
- E. To address violations of any terms or conditions of this Permit;
- F. To address misrepresentations or failure to fully disclose all relevant facts in this Permit application or in any required report;
- G. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR Part 403.13;
- H. To correct typographical or other errors in this Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 8.4.

8.4 Wastewater Discharge Permit Transfer

This Permit may be transferred to a new owner or operator only if the Permittee gives at least thirty (30) days advance notice to the Executive Director and the City, and the Executive Director and the City approves the Permit transfer. Failure to provide advance notice of a transfer renders this Permit void as of the date of facility transfer. The notice to the Executive Director and the City must include a written certification by the new owner or operator, which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with this Permit.

8.5 Wastewater Discharge Permit Revocation

The City may revoke this Permit for good cause, including, but not limited to, when the Permittee has:

- A. Failed to notify the Executive Director of changes to the wastewater deemed significant by the Executive Director, prior to the changed discharge;
- B. Failed to provide prior notification to the Executive Director of changed conditions pursuant to Section 3.6 of this Permit;
- C. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsified self-monitoring reports or tampered with monitoring equipment;
- E. Refused to allow the Executive Director timely access to the facility premises and records;
- F. Failed to meet effluent limitations or Permit conditions;
- G. Failed to pay applicable fines or sewer charges;
- H. Failed to meet compliance schedule deadline dates;
- I. Failed to complete a wastewater survey or wastewater discharge permit application;
- J. Failed to provide advance notice of the transfer of business ownership;
- K. Violated any pretreatment standard or requirement, or any terms of this Permit, or Permit;
- L. Ceased operations; or
- M. Transferred business ownership.

This Permit is void upon the issuance of a new wastewater discharge permit to the Permittee.

8.6 Permit Application For Renewal

- A. The Permittee shall apply for wastewater discharge permit reissuance by submitting a complete permit application, using the form provided by the Executive Director, a minimum of ninety (90) days prior to the expiration of this Permit.
- B. Persons applying for a new permit or a permit renewal or modification, which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the Executive Director. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:
 - 1. The name and address of the applicant and facility/activity to be permitted;
 - 2. A brief description of the activities or operations, which result in the discharge;
 - 3. Whether any tentative determination, which has been reached with respect to allowing the discharge;
 - 4. The address and phone number of the office of the Executive Director where persons can obtain additional information;
 - 5. The dates of the comment period (which shall be at least 30 days); and

6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.
- C. The Executive Director and the City may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to State agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Executive Director or the City determined there is sufficient public interest the City shall hold a public meeting following the rules of WAC 173-216-100.
 - D. The Executive Director or the City may assume responsibility for the public notice requirements for the Permittee contained in this Section.

PART 9 – COMPLIANCE MONITORING

9.1 Right of Entry: Inspection and Sampling

The Executive Director shall have the right to enter the premises of the Permittee to determine whether the Permittee is complying with all requirements of this Permit, Permit, or order issued hereunder. The Permittee shall allow the Executive Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where the Permittee has security measures in force, which require proper identification and clearance before entry into its premises, the Permittee shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Executive Director shall have the right to set-up on the Permittee's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Permittee's operations.
- C. The Permittee shall provide full access to the Executive Director to use any monitoring facilities and utilities available or required in accordance with Sections 7.1 and 7.3(E) and (F) to confirm that the standards or treatment required for discharge to the sewer are being met.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Permittee at the written or verbal request of the Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the Permittee.
- E. Any unreasonable delay in allowing the Executive Director full access to the Permittee's premises and wastewater operations shall be a violation of this Permit.

9.2 Search Warrants

The City, on behalf of the Executive Director, may seek issuance of a search warrant from the Superior Court of Thurston County. Such warrants may be secured when:

- A. The Executive Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this Permit is occurring on the premises;
- B. The Executive Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the Executive Director designed to verify compliance with this Permit, Permit, or order issued hereunder; or
- C. The Executive Director has cause to believe there is imminent endangerment of the overall public health, safety, and welfare of the community by an activity on the premises.

PART 10- CONFIDENTIAL INFORMATION

Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. To the extent such is consistent with State and Federal laws, the Permittee may have certain information treated as confidential if the following process is followed.

- A. When the Permittee submits information to the City or Executive Director, or provides information to inspectors, the Permittee may request that specific information be maintained as confidential. The Permittee must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.
- B. Dependent on the agency receiving the request, the Executive Director or the City shall review and approve or deny such requests. When approved, the information shall not be publicized by the City unless required by State or Federal law.
- C. All other information submitted to the Executive Director or the City and obtained from the Executive Director's or the City's oversight shall be available to the public subject to the Executive Director or the City records review policy.
- D. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the Permittee.
- E. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR Part 2.302 from being recognized as confidential information.

PART 11 – PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

11.1 Publishing

The Executive Director must annually publish a list of permitted industries, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

11.2 Definition of Significant Noncompliance

For the purposes of this Section, the term **Significant Noncompliance** means:

- A. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the Executive Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.
- B. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's or City's exercise of its emergency authority to halt or prevent such a discharge.
- C. Any violation(s), including of Best Management Practices, which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.
- D. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of Section 1.3(C).
- E. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by Section 1.3(C)), multiplied by the applicable criteria. Applicable criteria are 1.4 for Biochemical Oxygen Demand, Total Suspended Solids, fats, oils and greases, and 1.2 for all other pollutants except pH.
- F. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in this Permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- G. Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
- H. Failure to accurately report noncompliance.

11.3 Applicability

The criteria in Sections 11.2(A-C) are applicable to all permitted industries, whereas the criteria in Sections 11.2(D-H) are only applicable to Significant Industrial Users.

PART 12- ADMINISTRATIVE ENFORCEMENT REMEDIES

12.1 Notification of Violation

The City may serve a written Notice of Violation on the Permittee that the City and/or the Executive Director finds the Permittee has violated any provision of this Permit, including terms or requirements of an ordinance, order, or a pretreatment standard or requirement. In all cases in this Permit, a continuation of a violation of a provision of this Permit is a "violation." The Permittee shall, in response to a Notice of Violation, provide the City a written explanation of the violation, its cause, and a corrective action plan within thirty (30) days of the receiving this notice. The Permittee submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The City's acceptance of a plan does not relieve the Permittee of liability for any violations. The City may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

12.2 Consent Orders

The City may enter into a Consent Order or other voluntary agreement to memorialize agreements with the Permittee for violating any requirement of this Permit after consultation with the Executive Director. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 12.4 and 12.5 of this Permit.

12.3 Show Cause Hearing

After consultation with the Executive Director, the City may propose actions in response to a violation of any provision of this Permit, including a provision of an ordinance, order, or a pretreatment standard or requirement. The City will notify the Permittee of the violation, the proposed action, the rationale, and the Permittee's rights and obligations to provide evidence why the proposed enforcement action should not be taken, and to provide its support for any alternative it proposes at this meeting. The Permittee shall have the right to a show cause hearing to contest the City's action provided for by this Permit or determination that the Permittee has violated a compliance schedule order.

Any hearing pursuant to this Section must be requested by the Permittee in writing within fifteen (15) business days after the Permittee receives notice of the City's proposed action. The Permittee's written request for hearing shall be filed with the Executive Director.

The hearing authorized by this Section shall be held before the LOTT Technical Sub-Committee (TSC). Formal rules of evidence shall not apply, but the Permittee and the City shall have the right to present witnesses and other evidence. The TSC shall issue a written decision within fourteen (14) business days of the conclusion of the hearing.

The Permittee shall have the right to make an electronic or stenographic record of the proceedings. Such record shall be made at the Permittee's expense.

The TSC may, by resolution or Permit, adopt additional rules for the conduct of hearings pursuant to this Section.

A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Permittee.

12.4 Compliance Orders

The City, after consulting with the Executive Director, may issue a compliance order to the Permittee, if the Permittee has violated any provision of this Permit including a requirement of a Permit, order, or a pretreatment standard or requirement. The compliance order may direct that the Permittee come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the City or Executive Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve the Permittee of liability for any violation, including a continuing violation. If the Permittee does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.5 Cease and Desist Orders

When the City and/or Executive Director finds that the Permittee has violated, or continues to violate, any provision of this Permit, an ordinance, an order issued hereunder, or any other pretreatment standard or requirement, or that the Permittee's past violations are likely to recur, the City may, after consultation with the Executive Director, issue an order to the Permittee directing it to cease and desist all such violations and directing the Permittee to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.6 Administrative Fines

- A. When the City finds that the Permittee has violated, or continues to violate, any provision of this Permit, an ordinance, an order issued hereunder, or any other pretreatment standard or requirement, the City may, after consultation with the Executive Director, fine such Permittee in an amount not to exceed ten thousand dollars (\$10,000). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. The City may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the City's response to the situation, to the amount of the fine.
- C. The City will consider the economic benefit gained by the Permittee as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the City shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the Permittee from the noncompliance.
- D. Unpaid charges, fines, and penalties shall, at thirty (30) calendar days past the due date, be assessed an additional penalty of one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month, or at the rate allowed by law if different from

the foregoing. After thirty (30) days, the City shall be authorized to file a lien against the Permittee's property for unpaid charges, fines, and penalties.

- E. If the Permittee wishes to dispute such fines, the Permittee must file a written request for the City to reconsider the fine along with full payment of the fine amount within fifteen (15) working days of being notified of the fine. Where a request has merit as determined by the City and Executive Director, the City may convene a hearing on the matter pursuant to Section 12.3 of this Permit. In the event the Permittee's appeal is successful, the City shall rebate the difference between the initial and final penalty amounts to the Permittee.
- F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.7 Emergency Suspensions

The City may immediately suspend the Permittee's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of persons. In such cases, the City will first provide informal notice to the Permittee. The City may also immediately suspend the Permittee's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

- A. The Permittee, when notified of a suspension of its discharge, shall immediately stop or eliminate its contribution. If the Permittee fails to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the City include immediately severing the sewer connection, at the Permittee's expense, turning off pump stations downstream of the Permittee, and partnering with law enforcement. The City may not allow the Permittee to recommence its discharge until the Permittee has demonstrated to the satisfaction of the City that the situation warranting the suspension has been properly addressed and any proposed Termination proceeding has been resolved.
- B. When the Permittee is responsible, in whole or in part, for any discharge presenting imminent endangerment, the Permittee shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. The Permittee shall submit this report to the City prior to the date of any show cause or termination hearing under Sections 12.3 and 12.8 of this Permit.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

12.8 Termination of Discharge

If the Permittee violates the following conditions, the Permittee is subject to having the privilege of discharging to the public sewer system withdrawn:

- A. Discharge of non-domestic wastewater not authorized by this Permit, including
 1. Where the appropriate Permit revision has not been requested;
 2. Where the appropriate Permit revision has not yet been issued; or
 3. Where this Permit has been denied or revoked based on the provisions of Section 8.5,

Permit Revocation, of this Permit.

- B. Violation of Permit terms and conditions including:
 - 1. Exceeding any Permit limit;
 - 2. Failing to meet other pretreatment standards or requirements;
 - 3. Violating any prohibition; or
 - 4. Failing to properly monitor and report discharges or changed conditions.
- C. Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not).
- D. Violation of the pretreatment standards and requirements in Sections 1 and 5 of this Permit, including failure to satisfy Industrial Permittee Survey requirements.

When the City determines this remedy is necessary and appropriate to fulfill the intentions of this Permit, and after consulting with the Executive Director, the Permittee will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, under Section 12.3 of this Permit, why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the Permittee.

PART 13 – JUDICIAL ENFORCEMENT REMEDIES

13.1 Injunctive Relief

The City may seek injunctive relief when the Permittee has violated, or continues to violate a provision of this Permit, including an ordinance, pretreatment standard or requirement, or an order issued hereunder. In such cases, the City may petition the Superior Court of Thurston County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of this Permit, an ordinance, order, or other requirement imposed by this Permit on activities of the Permittee. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Permittee to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

13.2 Civil Penalties

- A. If the Permittee violates, or continues to violate a provision of this Permit, including a pretreatment standard or requirement, Permit, or order issued hereunder shall be liable to the City for a maximum civil penalty of ten thousand dollars (\$10,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the City or LOTT.
- C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the City may take to resolve noncompliance by the Permittee.

13.3 Criminal Prosecution

- A. If the Permittee willfully or negligently violates any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement, the Permittee shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. If the Permittee negligently introduces any substance into the POTW, which causes personal injury or property damage, the Permittee shall, upon conviction, be guilty of a misdemeanor. If the Permittee willfully introduces any substance into the POTW, which causes personal injury or property damage, the Permittee shall, upon conviction, be guilty of a gross misdemeanor. The Permittee, if convicted, will also be subject to prosecution for violation of any other laws, which may be applicable.
- C. If the Permittee knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Permit, Permit, or order issued hereunder, or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Permit, the Permittee shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

- D. In the event of a second conviction, the Permittee shall be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

13.4 Remedies Nonexclusive

The remedies provided for in this Permit are not exclusive. The City may take any, all, or any combination of these actions against the Permittee if found to be non-compliant. Enforcement of pretreatment violations will generally be in accordance with LOTT's Enforcement Response Plan. However, the City may take other action against the Permittee when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against the Permittee when found to be non-compliant.

PART 14 – SUPPLEMENTAL ENFORCEMENT ACTION

14.1 Penalties for Late Reports

The City may assess a penalty of up to fifty dollars (\$50) to the Permittee for each day that a report required by this Permit, an ordinance, or order issued hereunder is late. Penalties accrue beginning the fifth (5th) day after the report is due. The City's actions to collect late reporting penalties shall not limit the City's authority to initiate any other enforcement action.

14.2 Performance Bonds

The City may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City and Executive Director as necessary to assure the Permittee will achieve consistent compliance with this Permit. The Executive Director may require this bond as an enforcement response or as a prerequisite to issue or reissue this Permit. Any Permittee who has failed to comply with any provision of this Permit, a previous permit or order issued hereunder, an ordinance, or any other pretreatment standard or requirement may be subject to this requirement. This bond may also be required of any category of permitted industry, which has led to public burdens in the past regardless of the compliance history of the particular industry. The City may use this bond to pay any fees, costs, or penalties assessed to the Permittee whenever the Permittee's account is in arrears for over thirty (30) days. This includes the costs of cleanup of the site if the Permittee goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. The Permittee may petition the City to convert their performance bond to a requirement to provide Liability Insurance, or to forego any such safeguard based on their performance. The Permittee may petition no more frequently than once in any twelve (12) month period.

14.3 Liability Insurance

The City may require the Permittee to provide liability insurance at its discretion. In such cases, the Permittee must provide proof that the insurance is sufficient to cover any liabilities incurred under this Permit, including the cost of damages to the POTW and the environment caused by the Permittee. The City may require the Permittee to provide the proof of such insurance prior to issuing or reissuing this Permit.

14.4 Payment of Outstanding Fees and Penalties

The City may decline to reissue this Permit to the Permittee if the Permittee has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this Permit, a previous permit or order issued hereunder, or an ordinance.

14.5 Water Supply Severance

The City may order water service to the Permittee severed whenever the Permittee has violated or continues to violate any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement. If the Permittee wishing to restore their service, the Permittee must first demonstrate their ability to comply with this Permit and pay the related costs of this action.

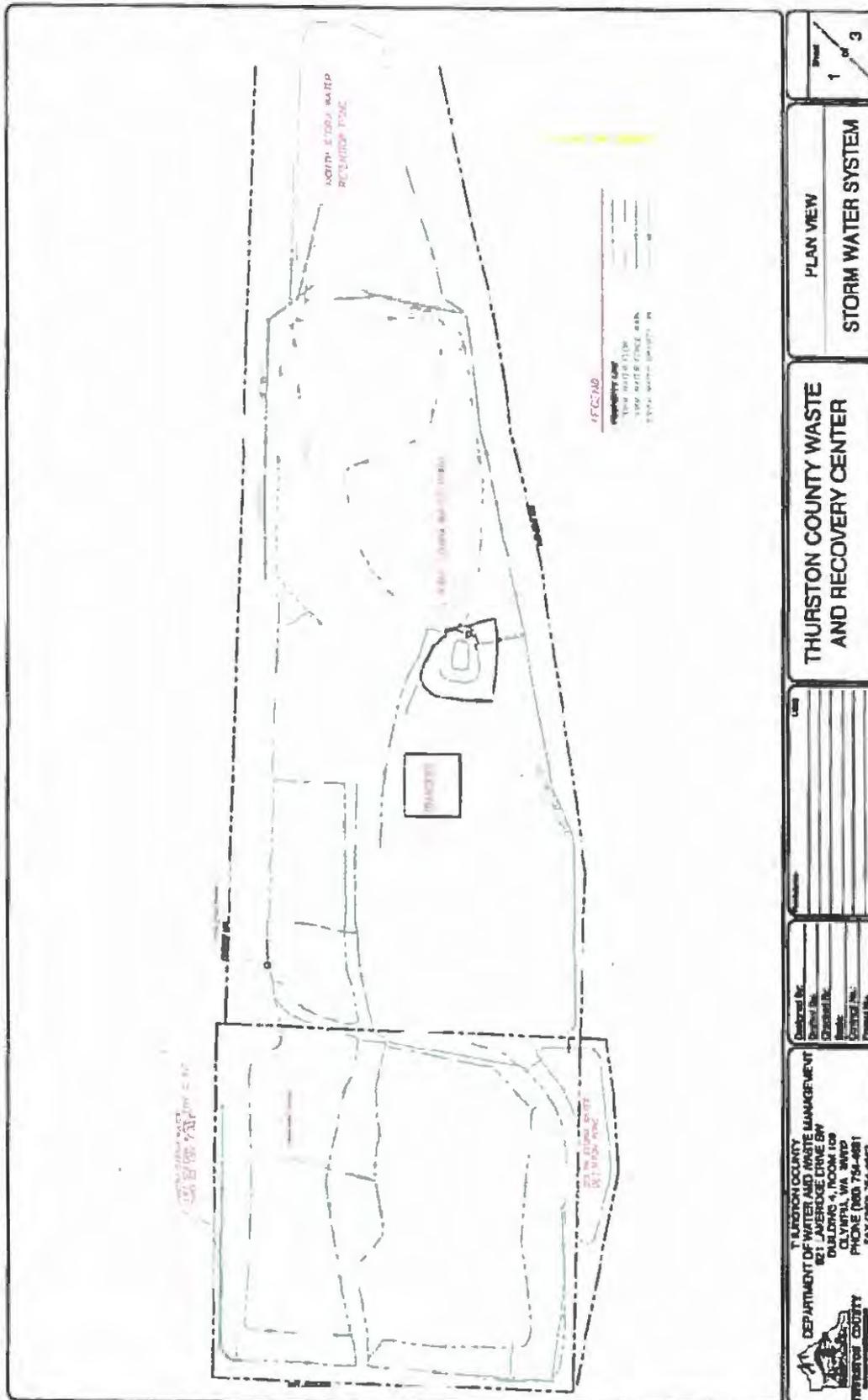
14.6 Public Nuisances

A violation of any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or

abated as directed by the City. Any person creating a public nuisance shall be subject to the provisions of City's Municipal Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

APPENDIX I
SCHEMATIC DIAGRAM, SITE PLAN, & FLOW DIAGRAMS

a Storm Water System Plan



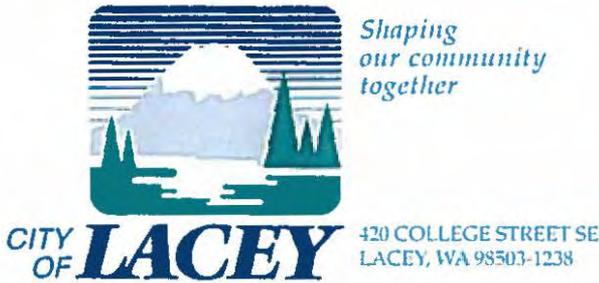
b Facility Aerial



CITY COUNCIL

VIRGIL CLARKSON
Mayor
JASON HEARN
Deputy Mayor
JEFF GADMAN
LENNY GREENSTEIN
RON LAWSON
CYNTHIA PRATT
ANDY RYDER

CITY MANAGER
SCOTT H. SPENCE



WASTEWATER DISCHARGE PERMIT No. LA-003

In accordance with the provisions of Section 13.10 of the Lacey Municipal Code:

International Paper Olympia Container
P. O. Box 101
7727 Union Mills Rd SE
Olympia, WA 98507

hereafter referred to as "Permittee", is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the LOTT Clean Water Alliance (LOTT) Publicly Owned Treatment Works (POTW) via the City of Lacey (City) and/or other LOTT Partner sanitary sewer collection system in accordance with the conditions set forth in this Permit. Compliance with this Permit does not relieve the Permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, state, and federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this Permit.

Noncompliance with any term or condition of this Permit shall constitute a violation of the Lacey Municipal Code, Section 13.10.

This Permit shall become effective at 12:01 PM on September 29, 2012, and shall expire at 11:59 PM on September 28, 2017.

If the Permittee wishes to continue to discharge after the expiration date of this Permit, an application must be filed for a renewal permit in accordance with the requirements of Chapter 13.10.010 of the Lacey Municipal Code, and Section 8.6 of this Permit, a minimum of ninety (90) days prior to the expiration date.

By: Scott Egger
Scott Egger, P.E.
Director of Public Works
City of Lacey

By: Michael D. Strub
Michael D. Strub, P.E.
Executive Director
LOTT Clean Water Alliance

Issued this 20th day of September 2012

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SUBMITTAL SCHEDULE

<u>PERMIT SECTION</u>	<u>SUBMITTAL</u>	<u>FREQUENCY</u>	<u>FIRST SUBMITTAL</u>
3.2	Discharge Monitoring Reports	Monthly	15th of month following required monitoring
3.3	Reports of Additional Monitoring by the Permittee	As Needed	As Required
3.8	Notification of Violation/Repeat Sampling and Reporting	As Needed	As Required
3.7	Reports of Potential Problems	As Needed	As Required
5.5	Bypass Notification and Reporting	As Needed	As Required
3.9	Notification of Discharge of Hazardous Waste	As Needed	As Required
3.6	Reports of Changed Conditions	As Needed	30 days prior to commencing
6.3	Volatile and Semi-volatile Organics Sampling	1/Permit Cycle	As required; to occur by November 29, 2012
6.2	Semi-annual Sampling and Reporting	January and July of every year	January 15, 2013
6.4	Accidental Discharge/Slug Discharge Control Plans	Update current Plan on file whenever significant facility revisions are planned or have been implemented	Whenever significant facility revisions have been implemented
8.6	Permit Application for Renewal	1/Permit Cycle	90 days prior to expiration date of Permit

PART 1 - DISCHARGE REQUIREMENTS

1.1 Description of Outfalls

Beginning on the effective date of this Permit and lasting through the expiration date, the Permittee is authorized to discharge process and/or domestic wastewater to the City of Lacey and LOTT POTW from the outfalls listed below:

<u>Outfall</u>	<u>Descriptions</u>
001	Treated Water Holding Tank (Tank #26)
002	Discharge point of 2 inch sanitary sewer line into City of Lacey 15-inch sanitary sewer main on Union Mills Road

1.2 Waste Streams at Each Outfall

During the term of this permit, the discharge from Outfall 001 shall consist of all process wastewater treated by the ALAR™ pretreatment system only.

During the term of this permit, the discharge from Outfall 002 shall consist of domestic and non-process wastewater, and boiler blow-down, in combination with the treated process wastewaters discharged from Outfall 001. No process wastewater other than that discharged through Outfall 001 shall enter Outfall 002.

1.3 Effluent Limitations

Beginning on the effective date of this Permit, and lasting through the expiration date, the Permittee shall not discharge wastewater from Outfall 001 in excess of the following effluent limitations:

ANALYTE	DAILY MAXIMUM CONCENTRATION LIMIT	DAILY MAXIMUM LOADING LIMITS (1,000 gallons per day or less)
Arsenic	0.2 mg/L	0.002 lbs. per day
Cadmium	0.2 mg/L	0.002 lbs. per day
Chromium	1.0 mg/L	0.008 lbs. per day
Chromium (hexavalent)	0.25 mg/L	0.002 lbs. per day
Copper	0.5 mg/L	0.004 lbs. per day
Cyanide	0.64 mg/L	0.005 lbs. per day
Cyanide (Free)	0.25 mg/L	0.002 lbs. per day
Lead	0.4 mg/L	0.004 lbs. per day
Mercury	0.05 mg/L	0.0004 lbs. per day
Nickel	0.5 mg/L	0.004 lbs. per day
Silver	0.2 mg/L	0.002 lbs. per day
Zinc	1.0 mg/L	0.008 lbs. per day
Fats, oils, & greases of animal or vegetable origin	300 mg/L	Any amount
Hydrocarbon-based oils & greases	50 mg/L	Any amount
Minimum pH	5.0 standard units	N/A
Maximum pH	11.0 standard units	N/A

Reduction in POTW effluent ultra violet transmissivity (per cm at 254 nm wavelength)	10% reduction	N/A
Decrease in POTW maximum effluent no observed effect concentration (NOEC) in any whole effluent toxicity test	10% decrease	N/A

WASTE LOADING PARAMETER	DAILY MAXIMUM	MONTHLY AVERAGE (measured over calendar month)
Flow	15,000 Gallons per day	10,000 Gallons per day

- A. All concentrations for metallic substances are for total metal unless indicated otherwise. The Executive Director may impose mass limits in addition to concentration-based limits.
- B. The Permittee shall be subject to “instantaneous limits” (as determined by a grab sample) of equal to twice the above “daily maximum” concentrations for any pollutant for which a composite sample is required in this Permit. This provision is inapplicable to the Permittee when there is no permit requirement to collect a composite sample for the analyte in question.
- C. If the Permittee discharges Biochemical Oxygen Demand, Total Suspended Solids, or Total Ammonia in excess of the concentration limits or threshold amounts listed below, the Permittee will be subject to surcharges as established in and under the authority of Section 14.I up to any maximum loading limit established by this Permit.

ANALYTE	EXCESS STRENGTH CHARGES THRESHOLD LIMIT	PERMITTED DISCHARGE THRESHOLD AMOUNT
Biochemical Oxygen Demand (BOD ₅)	300 mg/L	2.5 lbs. per day
Total Suspended Solids	300 mg/L	2.5 lbs. per day
Total Ammonia, as ammonia (NH ₃) and ammonium ion (NH ₄ ⁺)	60 mg/L	0.5 lbs. per day

- D. The City may use this Permit to establish ceiling limits for compatible pollutants and appropriate discharge limits for all other pollutants not contained in this Section. This includes pollutants subject to regulation under RCRA, volatile or semi-volatile organics, halogenated or brominated compounds, poly-aromatic hydrocarbons, polymers, surfactants, pesticide active ingredients, and any other pollutant.

1.4 Requirement to Apply AKART

The Permittee shall provide all known, available, and reasonable methods of prevention, control and treatment (AKART) as required to comply with this Permit and local, State and Federal regulations, and shall achieve compliance with all applicable pretreatment standards and requirements within the time limitations as specified by appropriate statutes, regulations, chapters and ordinances. Any facilities required to treat wastewater to satisfy applicable pretreatment standards and requirements contained in this Permit, shall be supplied, properly operated, and maintained at the Permittee's expense.

1.5 Best Management Practices

The Executive Director may establish, and the City require, Best Management Practices (BMPs) for any category of industry or type of industrial process, which creates a non-domestic waste stream. Such requirements may be applied either in lieu of or in addition to the effluent limitations contained in Section 1.3. BMPs may also include alternative limits, which may be applied at the end of a specific process or treatment step instead of at the combined effluent.

1.6 Right of Revision

The Executive Director and the City reserves the right to establish, by this Permit, more stringent standards or requirements on discharges to the POTW.

PART 2- MONITORING REQUIREMENTS

2.1 Monitoring Schedule

From the period beginning on the effective date of this Permit and lasting through the expiration date, the Permittee shall monitor Outfall 001 for the following parameters, at the indicated frequency:

<u>Parameter (units)</u>	<u>Locations</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (gpd)	001	Continuously	Meter
BOD ₅ (mg/L)	001	Three per month ²	Grab
TSS (mg/L)	001	Three per month ²	Grab
pH	001	Prior to each batch discharge	Meter
Fats, oils, & greases of animal or vegetable origin (mg/L)	001	Once per month	Grab
Hydrocarbon-based oils & greases (mg/L)	001	Once per month	Grab
Arsenic, total (mg/L)	001	Twice per year	Grab
Cadmium, total (mg/L)	001	Twice per year	Grab
Chromium, total ¹ (mg/L)	001	Twice per year	Grab
Copper, total (mg/L)	001	Twice per year	Grab
Lead, total (mg/L)	001	Twice per year	Grab
Mercury, total (mg/L)	001	Twice per year	Grab
Molybdenum, total (mg/L)	001	Twice per year	Grab
Nickel, total (mg/L)	001	Twice per year	Grab
Selenium, total (mg/L)	001	Twice per year	Grab
Silver, total (mg/L)	001	Twice per year	Grab
Zinc, total (mg/L)	001	Twice per year	Grab
Cyanide, total ¹ (mg/L)	001	Twice per year	Grab
EPA 624 Volatiles	001	1/Permit cycle	Grab
EPA 625 Semi-Volatiles	001	1/Permit cycle	Grab

2.2 Analytical Requirements

All pollutant sampling and analyses required under this Permit shall conform to the most current version of 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Executive Director determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Executive Director may specify an analytical method. If neither case applies, the Permittee shall use validated analytical methods or applicable sampling and analytical procedures approved by USEPA.

¹ If total chromium in excess of 0.25 mg/l is detected, the Permittee shall immediately resample by grab sample and analyze for hexavalent chromium; if total cyanide in excess of 0.25 mg/l is detected, the Permittee shall immediately resample and analyze for free cyanide.

² Samples for biochemical oxygen demand (BOD₅) and total suspended solids (TSS) shall be collected during three random days in accordance with Part 2.4 of this permit

2.3 Recording of Results

For each measurement or sample taken, the Permittee shall record the following information:

- A. The date, exact place, and time of the sampling;
- B. The method of sample taking and preservation;
- C. The names of the person(s) who performed the sampling or measurements, and each person with custody of the sample until analysis;
- D. The date(s) analyses were performed and who performed them;
- E. The analytical techniques or methods used;
- F. The results of such analyses, and;
- G. All quality control/quality assurance results pertaining to the analyses.

This information shall be included in the Discharge Monitoring Report described in Section 3.2 of this Permit. Additional information, such as laboratory raw data, shall be submitted to the Executive Director upon request.

2.4 Representative Sampling

- A. The Permittee must ensure that all samples collected to satisfy sampling requirements under this Permit are representative of the range of conditions occurring during the reporting period. Samples and measurements taken to meet the requirements of this Permit shall be representative of the volume and nature of the monitored discharge(s) and the discharges monitored shall be representative of daily operations.
- B. All samples shall be taken at the monitoring points specified in this Permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to and the approval of the Executive Director.

2.5 Sample Collection and Analysis

- A. The Permittee must use properly cleaned sample containers appropriate for the sample analysis and sample collection and preservation protocols specified in 40 CFR Part 136 and appropriate USEPA guidance.
- B. The Permittee must obtain samples for oil and grease, temperature, pH, cyanide, total, and volatile organic compounds using grab collection techniques.
- C. For certain pollutants, the Permittee may composite multiple grab samples taken over a 24-hour period. The Permittee may composite grab samples for cyanide either in the laboratory or in the field, and may composite grab samples for volatile organics and oil & grease in the laboratory prior to analysis.

- D. For all other pollutants, the Permittee must be representative of the volume and nature of the monitored discharge(s) and the discharges monitored shall be representative of daily operations.
- E. The Executive Director may authorize composite samples for parameters unaffected by the compositing procedures, as appropriate.
- F. The Executive Director may require grab samples either in lieu of or in addition to composite sampling to show compliance with instantaneous discharge limits.
- G. In all cases, the Permittee must take care to ensure the samples are representative of their wastewater discharges.

2.6 Requirements for Laboratory Accreditation

All required monitoring data shall be analyzed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, Accreditation of Environmental Laboratories, except for flow, temperature, total suspended solids, conductivity, pH, turbidity, and internal process control parameters. However, if the laboratory analyzing samples for conductivity, pH, and turbidity must otherwise be accredited, it shall be accredited for these parameters as well.

PART 3 – REPORTING REQUIREMENTS

3.1 Where to Send Reports or Make Notifications

All reports required by this Permit shall be submitted to LOTT at the following address:

Environmental Compliance Supervisor
LOTT Clean Water Alliance
500 Adams Street NE
Lacey, WA 98501-1073

Telephone notification shall be made to the LOTT Environmental Compliance Supervisor at phone number (360) 528-5708, or if unavailable, to the LOTT Budd Inlet Treatment Plant at phone (360) 528-5700.

3.2 Scheduled Reports – Discharge Monitoring Reports

The Permittee shall summarize and report the results of all monitoring of pollutants discharged to the POTW. This information shall be compiled each month and reported on a form provided by or approved by the City. Each report shall be submitted, along with the information described in Section 2.3 of this Permit, by the fifteenth (15th) day of the following month. Monitoring shall begin on the effective date of this Permit and each pollutant shall be sampled within the specified sampling interval.

3.3 Reports of Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this Permit using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or specified in this Permit, the results of such monitoring shall be included in calculating the daily maximum and monthly average pollutant discharges, and the results of the additional sampling shall be reported in the Discharge Monitoring Report.

3.4 Date of Receipt of Reports

The Executive Director will credit written reports as having been submitted on the date of the post mark when mailed through the United States Postal Service. Reports delivered in any other manner will be credited as having been submitted on the business day received.

3.5 Record Keeping

The Permittee shall retain the information listed in Section 2.3 for all monitoring required by this Permit and for any additional monitoring, which could be used to satisfy minimum monitoring requirements. The Permittee must make these records available for inspection and copying at the location of the discharge. The Permittee must similarly maintain documentation associated with any Best Management Practices required under authority of Section 1.5.

Permittee shall retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting. For analytes for which Washington State requires use of a certified/accredited laboratory, the Permittee must maintain the scope of accreditation for laboratories performing any analyses for them.

The Permittee shall maintain the above records for at least three (3) years, until any litigation concerning the Permittee or the City, or the Executive Director is complete, or for longer periods when the Permittee has been specifically notified of a longer retention period by the Executive Director.

3.6 Reports of Changed Conditions

The Permittee must notify the Executive Director of any changes to the Permittee's operations or system, which might alter the nature, quality, or volume of its wastewater. This notification must be made at least thirty (30) days before the desired change and be sent to both the Control Authority (Executive Director) and the receiving POTW if they are different. In such cases:

- A. The Executive Director may require the Permittee to submit whatever information is needed to evaluate the changed condition. The Executive Director may also require the Permittee to submit a new or revised wastewater discharge permit application.
- B. The City may reissue or modify this Permit, applying the procedures of Section 8.3(B) of this Permit, in response to a Permittee's notice under this Section.

3.7 Reports of Potential Problems

- A. Any Permittee, which has any unusual discharge that could cause problems to the POTW must immediately notify the Executive Director by telephone of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Permittee to control and curtail the discharge. Such discharges may include spills, slug loads, accidental discharges, or other discharges of a non-routine, episodic nature. Problems to the POTW which require reporting under this Section include violating pretreatment prohibitions, treatment standards, or other requirements of Chapters 1 and 5 of this Permit , including gas vapor toxicity and explosivity limits.
- B. Within five (5) days following such discharge, the Permittee shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Permittee to prevent similar future occurrences. Such notification shall not relieve the Permittee of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Permittee of any fines, penalties, or other liability, which may be imposed pursuant to this Permit.
- C. Regardless of whether the Permittee has been required to submit a Slug Discharge Control Plan per Section 6.4, the Permittee shall post notice in a prominent location advising employees who to call at the POTW to inform the Executive Director of a potential problem discharge as required by Section 3.7(A) above. The Permittee shall ensure that all employees who may cause or witness such a discharge are advised of the emergency notification procedures.
- D. The Permittee must immediately notify the Executive Director of any changes at their facility, which might increase their potential for a slug discharge. This includes increasing the volume of materials stored or located on site, which, if discharged to the POTW, would cause problems. The Permittee required to prepare a Slug Discharge Control Plan under Section 6.4 shall also modify their plans to include the new conditions prior to, or immediately after making such changes.

3.8 Notification of Violation/Repeat Sampling and Reporting

If sampling performed by the Permittee indicates a violation, the Permittee must notify the Executive Director within twenty-four (24) hours of becoming aware of the violation. The Permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation. The Executive Director may waive the repeat sampling requirement where the Executive Director has sampled the effluent for the pollutant in question prior to the Permittee obtaining sampling results.

3.9 Notification of Discharge of Hazardous Waste

- A. If the Permittee discharges any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or Chapter 173-303 WAC must also comply with the following requirements:
1. Notify the Executive Director, the USEPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of the discharge. Maintain a copy of this notification and include it in all subsequent permit application or re-applications under this Chapter.
 2. Include the following information in the notification:
 - a. The name of the hazardous waste as found in 40 CFR Part 261;
 - b. The USEPA hazardous waste number; and
 - c. The type of discharge (continuous, batch, or other).
 3. If the discharge totals more than two hundred and twenty (220) pound in any month, also provide:
 - a. The hazardous constituents contained in the wastes,
 - b. An estimate of the mass and concentration of hazardous constituents in the wastestream discharged during that calendar month, and
 - c. An estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
 4. This notice shall be repeated for new or increased discharges of substances subject to this reporting requirement.
 5. All notifications must take place prior to discharging a substance for which these reporting requirements apply. If this is not possible, the notice must be provide as soon after discharge as practical and describe why prior notice was not possible.
 6. The Permittee must provide notifications under this paragraph only once to USEPA and the State for each hazardous waste discharged. However, all of the information of these notices shall be repeated in each new permit application submitted under this Chapter.
 7. This requirement does not relieve the Permittee from requirements to provide other notifications, such as of changed conditions under Section 3.6 of this Permit, or applicable Permit conditions, permit application requirements, and prohibitions.
 8. The notification requirements in this Section do not apply to pollutants for which routine monitoring and reporting is required in a permit under this Permit.

- B. The Permittee must report all discharges of more than thirty-three (33) pounds per month of substances, which, if otherwise disposed of, would be hazardous wastes. The Permittee must also report any discharge of acutely hazardous wastes as specified in 40 CFR Parts 261.30(d) and 261.33(e). Subsequent months during which the Permittee discharges more of a hazardous waste for which notice has already been provided do not require another notification to USEPA or the State, but must be reported to the Executive Director.
- C. If new regulations under RCRA describe additional hazardous characteristics or substances as a hazardous waste, the Permittee must provide notifications under paragraphs A, if required by paragraph B within ninety (90) days of the effective date of such regulations.
- D. For any notification made under this Section, the Permittee shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical and shall describe that program and reductions obtained through its implementation.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Permit, an ordinance, or any applicable Federal or State law.

3.10 Authorized or Duly Authorized Representative of the Permittee

All forms, applications, and reports required by this Permit must be signed by an authorized representative of the Permittee, as defined below:

- A. If the Permittee is a corporation:
 - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions, which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the Permittee is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the Permittee is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- D. The individuals described in Section 3.10(A-C), may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Executive Director.

The Permittee shall submit a new authorization if the designation of an authorized representative is no longer accurate. This includes when a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company. The User must submit the new authorization prior to or with any reports to be signed by the new authorized representative.

3.11 Certification Statement

In addition to the signatory requirements defined in Section 3.10 above, all forms, applications, and reports required by this Permit must contain the following certification statement:

“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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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.”

PART 4 – DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Permit, shall have the meanings hereinafter designated.

- 4.1 **Biochemical Oxygen Demand or BOD** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- 4.2 **Best Management Practices or BMPs** – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1(A) and (B) and 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 4.3 **City** – The City of Lacey, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington.
- 4.4 **Composite Sample** – A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm. For example, collecting a same size aliquot every 1,000 gallons (flow paced), or a variable sized aliquot every hour (time paced). In both cases, they must interface with a device, which senses the effluent flow volume to collect a representative sample unless the Executive Director has determined that a flow proportionate sample is not required.
- 4.5 **Daily Limit or Daily Maximum Limit** – The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.
- 4.6 **Environmental Compliance Supervisor** – The individual designated by the Executive Director of the LOTT Clean Water Alliance to represent the Executive Director in the implementation of LOTT’s Industrial Pretreatment Program.
- 4.7 **Executive Director** – The Executive Director of the LOTT Clean Water Alliance and shall be considered LOTT Clean Water Alliance personnel or the LOTT Clean Water Alliance’s agent for purposes of Article VII of the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999.” The term also means a duly authorized representative of the Executive Director.
- 4.8 **Grab Sample** – A sample, which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

- 4.9 **Instantaneous Maximum Discharge Limit or Instantaneous Limit** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where the Permittee is required to take a grab sample for purposes of determining compliance with Local Limits, this standard is the same as the Daily Maximum standard. For pollutants for which Users are required to take composite samples, (or for metals if no permit has been issued) the Instantaneous Limit shall be twice the Daily Limit.
- 4.10 **Interference** A discharge that causes (either by itself or in combination with other discharges) a violation of LOTT's NPDES permit, or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. This includes any discharge from the Permittee that causes a blockage resulting in a discharge at a point not authorized under LOTT's NPDES permit.
- 4.11 **LOTT Clean Water Alliance or LOTT** - A State of Washington nonprofit corporation created by Interlocal Agreement that operates as a public agency under State of Washington law, providing wastewater management and reclaimed water production services for the urbanized area of north Thurston County, Washington.
- 4.12 **Medical Waste** - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 4.13 **Monthly Average** - The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the Control Authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.
- 4.14 **Monthly Average Limit** - The limit to be applied to the Monthly Average to determine compliance with the requirements of this Permit (see Section 1.3 for listing).
- 4.15 **Non-Contact Cooling Water** - Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 4.16 **Pass Through** - A discharge, which exits the POTW into waters of the United States in quantities or concentrations, which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LOTT's NPDES permit, including an increase in the magnitude or duration of a violation.
- 4.17 **Person** - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 4.18 **pH** - A measure of the acidity or alkalinity of a solution, expressed in standard units.
- 4.19 **Pollutant** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, Total Suspended Solids, turbidity, color, Biochemical Oxygen Demand, Carbonaceous Oxygen Demand, toxicity, or odor).

- 4.20 **Pretreatment** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- 4.21 **Pretreatment Requirements** – Any substantive or procedural requirement related to pretreatment imposed on the Permittee, other than a pretreatment standard.
- 4.22 **Pretreatment Standards or Standards** – Pretreatment standards shall mean the discharge requirements contained in Part 1, and the Prohibited Discharges contained in Part 5.
- 4.23 **Publicly Owned Treatment Works or POTW** – A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by LOTT and/or the [City or County] and more fully described in the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999.” This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.
- 4.24 **Sewage** – Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).
- 4.25 **Slug Load or Slug Discharge** Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, local limits, or Permit conditions. This includes discharges at a flow rate or concentration that could cause a violation of the prohibited discharge standards of Section 1.3 and Part 5 of this Permit.
- 4.26 **Storm Water** – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 4.27 **Total Suspended Solids** - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 4.28 **Wastewater** – Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 4.29 **Wastewater Treatment Plant or Treatment Plant** That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

PART 5 – PROHIBITED DISCHARGES

5.1 General Prohibitions

The Permittee shall not introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes Pass Through or Interference.

5.2 Specific Prohibitions

The Permittee shall not introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- A. Pollutants, which either alone or by interaction may create a fire or explosive hazard in the POTW, a public nuisance or hazard to life, or prevent entry into the sewers for their maintenance and repair or are in any way injurious to the operation of the system or operating personnel. This includes waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR Part 261.21.
- B. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel. Discharges outside this pH range may be authorized by the Executive Director through revisions of this Permit issued by the City pursuant to a finding that the system is specifically designed to accommodate a discharge of that pH.
- C. Solid or viscous substances in amounts that may cause obstruction to the flow in the sewer or other interference with the operation of the system. In no case shall solids greater than 1/4 inch (0.64 cm) in any dimension be discharged.
- D. Pollutants, including oxygen-demanding pollutants (Biochemical Oxygen Demand, etc.), released in a discharge at a flow rate and/or pollutant concentration, which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- E. Wastewater having a temperature that will interfere with the biological activity in the system, has detrimental effects on the collection system, or prevents entry into the sewer. In no case shall wastewater be discharged, which causes the wastewater temperature at the treatment plant to exceed 104 degrees F (40 degrees C).
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- G. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Trucked or hauled pollutants, except at discharge points designated by the Executive Director.
- I. The following are prohibited unless approved by the Executive Director under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (as required under WAC 173-216-050).
 - 1. Non-contact cooling water in volumes the Executive Director determines as significant.
 - 2. Storm water, or other direct inflow sources.
 - 3. Wastewaters affecting system hydraulic loading which do not require treatment, or would not be afforded a significant degree of treatment by the system, as determined by the Executive Director.

- J. Noxious or malodorous liquids, gases, solids, or other wastewater, which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- K. Wastewater, which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating LOTT's NPDES permit.
- L. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- M. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Executive Director.
- N. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- O. Medical wastes, except as specifically authorized by the Executive Director and the City in a revision of this Permit.
- P. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- Q. Detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
- R. Fats, oils, or greases of animal or vegetable origin in concentrations greater than three hundred (300) mg/L, or Total Petroleum Hydrocarbon concentrations of no more than fifty (50) mg/L.
- S. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) or any single reading over twenty percent (20%) of the Lower Explosive Limit based on an explosivity meter reading.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

5.3 Dilution Prohibition

The Permittee shall not increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable pretreatment standard or requirement. The Executive Director may impose mass limitations on the Permittee where deemed appropriate to safeguard against the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

5.4 Affirmative Defense to Violating Prohibited Discharge Standards

The Permittee will have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Section 5.1 and 5.2(A-G) of this Permit in certain cases, pursuant to 40 CFR Part 403.5(a)(2). The Permittee must be able to prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each pollutant discharged and the Permittee was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the Permittee's prior discharge when LOTT was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

5.5 Bypass Notification and Reporting

- A. For the purposes of this Section:
1. Bypass means the intentional diversion of wastestreams from any portion of a Permittee's treatment facility.
 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities, which causes 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. Severe property damage does not mean economic loss caused by delays in production.
- B. The Permittee may allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is for essential maintenance to assure efficient operation.
- C. Any other bypass must meet the following requirements:
1. The Permittee knowing in advance of the need for a bypass must submit prior notice to the Executive Director, at least ten (10) days before the bypass wherever possible; and
 2. The Permittee must tell the Executive Director of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours of becoming aware of the bypass. The Permittee must provide a written follow-up report within five (5) days. The Executive Director may waive the written report if the oral report was timely and complete. Unless waived, the written report must contain:
 - a. A description of the bypass (volume, pollutants, etc.);
 - b. What caused the bypass;
 - c. When, specifically, the bypass started and ended;
 - d. When the bypass is expected to stop (if ongoing); and
 - e. What steps the Permittee has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.
- D. Bypass is prohibited, and the City may take an enforcement action against the Permittee for a bypass, unless:
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass, which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The Permittee submitted notices as required under Section 5.5(C) above.

- E. The Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three (3) conditions listed in Section 5.5(D) above.

PART 6 – SPECIAL CONDITIONS

6.1 Excess Strength Charges

For industrial waste or other discharges exceeding the biochemical oxygen demand (BOD), total suspended solids (TSS), or total ammonia (TA) limits defined in Section 1.3(C) of this Permit, the following formula shall be used to determine the equivalent residential units (ERU) equivalency of the waste flow. The Executive Director may determine that all or part of Permittee's industrial waste or other discharge exceeding the limits defined in Section 1.3(C) results in a net benefit to the operation of the POTW, and may grant exemptions to the Permittee from some or all of the resulting surcharges.

This formula applies only to BOD and/or TSS concentrations in excess of 300 mg/L and total ammonia in excess of 60 mg/L.

A. ERU Equivalent for High Strength Waste shall be the sum of the following:

1. Flow Calculation:

$$(P-FLOW) \times \frac{\text{Industry flow (cu ft/ month)}}{900 \text{ cu. ft. /ERU}} = \text{FLOW ERUs}$$

2. Biochemical Oxygen Demand Calculation:

$$(P-BOD) \times \frac{\text{Industry BOD (mg/L)}}{300 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{BOD ERUs}$$

3. Total Suspended Solids Calculation:

$$(P-TSS) \times \frac{\text{Industry TSS (mg/L)}}{300 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{TSS ERUs}$$

4. Total Ammonia Calculation:

$$(P-TA) \times \frac{\text{Industry TA (mg/L)}}{60 \text{ mg/L}} \times \frac{\text{Industry Flow (cu ft/month)}}{900 \text{ cu ft/ERU}} = \text{TA ERUs}$$

B. Explanation of terms:

1. (P-FLOW) = Percentage treatment costs associated with hydraulic flow, equal to twenty-nine percent (29%)
2. (P-BOD) = Percentage treatment costs associated with biochemical oxygen demand, equal to thirty-four percent (34%)
3. (P-TSS) = Percentage treatment costs associated with total suspended solids, equal to twenty-two percent (22%)
4. (P-TA) = Percentage treatment costs associated with total ammonia, equal to fifteen percent (15%)
5. ERU: (Equivalent Residential Unit) = to 900 cubic feet of wastewater containing a maximum of 300 mg/L of total suspended solids, a maximum of 300 mg/L of biochemical oxygen demand, and a maximum of 60 mg/L of total ammonia.
6. The percentage of treatment costs used in items Sections 6.1(B)(1-4) are calculated based on an average of documented treatment costs.

7. All monthly charges per ERU established by the “Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Clean Water Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999,” as amended, shall apply to ERU’s calculated by the preceding formulas.

6.2 Semi-annual Sampling and Reporting

Semi-annual sampling from Outfall 001 shall occur at least every six months and commence by December 15, 2012, consisting of the following:

Twice each calendar year the Permittee shall sample for the following total metals: Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, and Zinc. These samplings shall be performed on a typical full process workday. Samples shall be 24-hour flow-proportioned composite samples. If Total Chromium in excess of 0.25 mg/L is detected, the Permittee shall immediately resample by grab sample and analyze for Hexavalent Chromium.

In addition, twice each calendar year the Permittee shall sample for Total Cyanide. This sampling shall be performed on a typical full process workday. This shall be a series of four grab samples taken over the course of the workday. If Total Cyanide in excess of 0.25 mg/L is detected, the Permittee shall immediately resample by grab sample and analyze for Free Cyanide.

6.3 Volatile and Semi-volatile Organics Sampling

The Permittee shall submit within 60 days of the effective date of this Permit, one-time sampling data for Volatile and Semi-volatile Organic Priority Pollutants. This sampling shall be performed on a typical full process workday and shall include all volatile compounds listed in EPA Method 624 and all semi-volatile compounds listed in EPA Method 625, as published in 40 CFR Part 136.

6.4 Accidental Discharge/Slug Discharge Control Plans

The Permittee shall develop and implement, and revise whenever additions or revisions have been made to the operation of the facility, an Accidental Discharge/Slug Discharge Control Plan (Plan), and take other actions the Executive Director believes are necessary to control discharges, which may be caused by spills or periodic non-routine activities. The Plan and any revisions shall be submitted to the Executive Director for approval prior to being adopted by the Permittee. Upon approval of the Plan by the Executive Director, failure of the Permittee to promptly revised the Plan to reflect changed conditions, or to follow the Plan in the event of a spill is a violation of this Permit. Accidental discharge/slug discharge control plans shall include at least the following:

- A. A description of all discharge practices, including any non-routine batch discharges such as from cleaning, replenishment, or disposal;
- B. A description of all stored chemicals, disclosing all ingredients in formulations, which could violate a discharge prohibition if discharged to the sewer;
- C. The procedures for immediately notifying the Executive Director and the City of any accidental or slug discharge, as required by Section 3.7 of this Permit; and

- D. The procedures that will be taken to prevent the occurrence or adverse impact from any accidental or slug discharge. Such procedures shall address the inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

PART 7 – PRETREATMENT OF WASTEWATER

7.1 Pretreatment Facilities

The Permittee shall provide wastewater treatment as necessary to comply with this Permit and shall achieve compliance with all pretreatment standards, local limits, and the prohibitions set out in Sections 1 and 5 of this Permit within the time limitations specified by USEPA, the State, the City, or the Executive Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Permittee's expense.

7.2. Proper Operation and Maintenance

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of this Permit. Where design criteria have been established, the Permittee shall not permit flows or waste loadings to exceed approved design criteria. A current and approved Operation and Maintenance Manual shall be maintained by the Permittee to assure that procedures for proper operation and maintenance of the treatment facilities are documented and up to date. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.

7.3 Additional Pretreatment Measures

- A. The Executive Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW, which reasonably appear to present an imminent endangerment to the health or welfare of persons. In such cases, the Executive Director will provide the Permittee advance notice if possible, but shall not delay a response to imminent endangerment.
- B. The Executive Director may halt or prevent any discharge to the POTW, which presents or may present an endangerment to the environment or, which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Executive Director shall attempt to provide not only notice to the Permittee, but the opportunity to respond.
- C. If the Permittee causes the Executive Director to exercise the emergency authorities provided for under Sections 7.3(A) and (B) above, the Permittee shall be responsible for reimbursement of all related costs to the Executive Director and the City.
- D. The Executive Director may require the Permittee to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the Permittee's compliance with the requirements of this Permit.
- E. The Executive Director and the City, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any Permittee to install and maintain, on their property and at their expense the following devices:
 1. A sample taking facility accessible to the Executive Director
 2. A suitable storage and/or flow equalization tank

3. Grease, oil, and/or grit interceptors
 4. An approved combustible gas detection meter
- F. The Permittee installing any of the above devices shall ensure they are of the type and capacity approved by the City, meet applicable building and plumbing codes, and conform to any separate requirements established by the City and the Executive Director. The Permittee shall locate units in areas easily accessible for cleaning and inspection by representatives of the City or Executive Director. The Permittee shall be responsible for all periodic inspection, cleaning, and repair of such devices.

7.4 Treatment Facility Plan Approval

The Permittee must comply with the regulations contained in Chapter 173-240 WAC, Submission of Plans and Reports for Construction of Wastewater Facilities, prior to the Permittee constructing or modifying, or proposing to construct or modify, any wastewater treatment facilities. Such plans and reports (Engineering Report, Plans and Specifications, and Operation and Maintenance Manuals) shall be submitted as required by Chapter 173-240 WAC to the Executive Director, the City, and the Department of Ecology for review, and the Permittee shall obtain approval from the Department of Ecology prior to construction. The review of such plans and operating procedures shall in no way relieve the Permittee from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Executive Director and the City under the provisions of this Permit. To ensure conformance with this requirement, proof of the approval of such plans and one copy of each approved plan shall be provided by the Permittee to the Executive Director and the City before commencing any such construction or modification.

PART 8 – PERMIT ADMINISTRATION

8.1 Discharge Permit Fees

Annual discharge permit fees shall be levied on the Permittee based on three criteria: (1) permitted flow rate; (2) permit complexity; and (3) potential danger to the collection system or POTW. The Permittee will be evaluated annually by the Executive Director and placed in one of three categories; with Category III having the highest combination of flow, complexity, and risk. The Executive Director shall use the Permit Fee Category Criteria set forth in the following table.

PERMIT FEE CATEGORY CRITERIA

CRITERION	RANGE	DESCRIPTION	SCORE
Flow	High	>25,000 gpd	3
	Medium	1,000 – 25,000 gpd	2
	Low	<1,000 gpd	1
Complexity	High	Categorical SIU	3
	Medium	Non-Categorical SIU	2
	Low	MIU	1
Potential Danger	High	Excess Strength Discharge, High Spill Potential, Large Quantity Of Toxic Materials, High Flows	3
	Medium	All Others	2
	Low	Low Spill Potential, No Excess Strength, Low Or No Toxics On Site, Low Flows	1

The total scores for all criteria determine the permit category and fee according to the following table. The Executive Director has determined that the Permittee designates as permit category 2.

**PERMIT FEES
2012**

SCORE	CATEGORY	FEE
3-4	I	\$285
5-7	II	\$428
8-9	III	\$570

These fees shall be adjusted each calendar year for inflation by an amount equal to ninety (90) percent of the change in the Seattle-Tacoma-Bremerton area Consumer Price Index for Urban Wage and Clerical Workers (CPI-W), as published by the United States Department of Commerce Bureau of Labor Statistics, for the preceding twelve (12) month period. These discharge permit fees are in addition to the excess strength charges required in Section 6.1.

8.2 Permit Issuance Process

- A. **Public Notice:** The Permittee shall follow the procedures for public notice found in Section 8.6. The Executive Director shall consider and respond to public input as appropriate prior to issuance of a permit.

- B. **Permit Appeals:** The Executive Director shall provide public notice of the issuance of a wastewater discharge permit. The Permittee may petition the City to reconsider the terms of this Permit within thirty (30) days of notice of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider this Permit, not to issue this Permit, or not to modify this Permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Thurston County within ten (10) days of the final administrative action.

8.3 Wastewater Discharge Permit Modification

The City, after consulting with the Executive Director, may modify this Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements including new or revised local limits;
- B. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character;
- C. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent;
- D. Based on information indicating that a permitted discharge poses a threat to the Executive Director's and/or City's POTW or staff, the receiving waters, or to violate a prohibition of this Chapter;
- E. To address violations of any terms or conditions of this Permit;
- F. To address misrepresentations or failure to fully disclose all relevant facts in this Permit application or in any required report;
- G. To incorporate revisions based on a variance from categorical pretreatment standards approved pursuant to 40 CFR Part 403.13;
- H. To correct typographical or other errors in this Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 8.4.

8.4 Wastewater Discharge Permit Transfer

This Permit may be transferred to a new owner or operator only if the Permittee gives at least thirty (30) days advance notice to the Executive Director and the City, and the Executive Director and the City approves the Permit transfer. Failure to provide advance notice of a transfer renders this Permit void as of the date of facility transfer. The notice to the Executive Director and the City must include a written certification by the new owner or operator, which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with this Permit.

8.5 Wastewater Discharge Permit Revocation

The City may revoke this Permit for good cause, including, but not limited to, when the Permittee has:

- A. Failed to notify the Executive Director of changes to the wastewater deemed significant by the Executive Director, prior to the changed discharge;
- B. Failed to provide prior notification to the Executive Director of changed conditions pursuant to Section 3.6 of this Permit;
- C. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsified self-monitoring reports or tampered with monitoring equipment;
- E. Refused to allow the Executive Director timely access to the facility premises and records;
- F. Failed to meet effluent limitations or Permit conditions;
- G. Failed to pay applicable fines or sewer charges;
- H. Failed to meet compliance schedule deadline dates;
- I. Failed to complete a wastewater survey or wastewater discharge permit application;
- J. Failed to provide advance notice of the transfer of business ownership;
- K. Violated any pretreatment standard or requirement, or any terms of this Permit, or Permit;
- L. Ceased operations; or
- M. Transferred business ownership.

This Permit is void upon the issuance of a new wastewater discharge permit to the Permittee.

8.6 Permit Application for Renewal

- A. The Permittee shall apply for wastewater discharge permit reissuance by submitting a complete permit application, using the form provided by the Executive Director, a minimum of ninety (90) days prior to the expiration of this Permit.
- B. Persons applying for a new permit or a permit renewal or modification, which allows a new or increased pollutant loading shall publish notice for each application in the format provided by the Executive Director. Such notices shall fulfill the requirements of WAC 173-216-090. These requirements include publishing:
 - 1. The name and address of the applicant and facility/activity to be permitted;
 - 2. A brief description of the activities or operations, which result in the discharge;
 - 3. Whether any tentative determination, which has been reached with respect to allowing the discharge;
 - 4. The address and phone number of the office of the Executive Director where persons can obtain additional information;
 - 5. The dates of the comment period (which shall be at least 30 days); and

6. How and where to submit comments or have any other input into the permitting process, including requesting a public hearing.
- C. The Executive Director and the City may require the applicant to also mail this notice to persons who have expressed an interest in being notified, to State agencies and local governments with a regulatory interest, and to post the notice on the premises. If the Executive Director or the City determined there is sufficient public interest the City shall hold a public meeting following the rules of WAC 173-216-100.
 - D. The Executive Director or the City may assume responsibility for the public notice requirements for the Permittee contained in this Section.

PART 9 – COMPLIANCE MONITORING

9.1 Right of Entry: Inspection and Sampling

The Executive Director shall have the right to enter the premises of the Permittee to determine whether the Permittee is complying with all requirements of this Permit, Permit, or order issued hereunder. The Permittee shall allow the Executive Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where the Permittee has security measures in force, which require proper identification and clearance before entry into its premises, the Permittee shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Executive Director shall have the right to set-up on the Permittee's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Permittee's operations.
- C. The Permittee shall provide full access to the Executive Director to use any monitoring facilities and utilities available or required in accordance with Sections 7.1 and 7.3(E) and (F) to confirm that the standards or treatment required for discharge to the sewer are being met.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Permittee at the written or verbal request of the Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the Permittee.
- E. Any unreasonable delay in allowing the Executive Director full access to the Permittee's premises and wastewater operations shall be a violation of this Permit.

9.2 Search Warrants

The City, on behalf of the Executive Director, may seek issuance of a search warrant from the Superior Court of Thurston County. Such warrants may be secured when:

- A. The Executive Director has been refused access or is unable to locate a representative who can authorize access to a building, structure, or property, or any part thereof, and has probable cause that a violation of this Permit is occurring on the premises;
- B. The Executive Director has been denied access to inspect and/or sample as part of a routine inspection and sampling program of the Executive Director designed to verify compliance with this Permit, Permit, or order issued hereunder; or
- C. The Executive Director has cause to believe there is imminent endangerment of the overall public health, safety, and welfare of the community by an activity on the premises.

PART 10- CONFIDENTIAL INFORMATION

Generally, information submitted to demonstrate compliance with pretreatment standards and requirements will be freely available to the public. To the extent such is consistent with State and Federal laws, the Permittee may have certain information treated as confidential if the following process is followed.

- A. When the Permittee submits information to the City or Executive Director, or provides information to inspectors, the Permittee may request that specific information be maintained as confidential. The Permittee must promptly identify the specific information in writing, and describe why the release would divulge information, processes, or methods of production entitled to protection as trade secrets or confidential business information under applicable State or Federal laws.
- B. Dependent on the agency receiving the request, the Executive Director or the City shall review and approve or deny such requests. When approved, the information shall not be publicized by the City unless required by State or Federal law.
- C. All other information submitted to the Executive Director or the City and obtained from the Executive Director's or the City's oversight shall be available to the public subject to the Executive Director or the City records review policy.
- D. Information held as confidential may not be withheld from governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the Permittee.
- E. Federal rules prevent wastewater constituents and characteristics and other effluent data, as defined by 40 CFR Part 2.302 from being recognized as confidential information.

PART 11 – PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

11.1 Publishing

The Executive Director must annually publish a list of permitted industries, which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The list will be published in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW.

11.2 Definition of Significant Noncompliance

For the purposes of this Section, the term **Significant Noncompliance** means:

- A. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the Executive Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.
- B. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's or City's exercise of its emergency authority to halt or prevent such a discharge.
- C. Any violation(s), including of Best Management Practices, which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.
- D. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of Section 1.3.
- E. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by Section 1.3(B)), multiplied by the applicable criteria. Applicable criteria are 1.4 for Biochemical Oxygen Demand, Total Suspended Solids, fats, oils and greases, and 1.2 for all other pollutants except pH.
- F. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in this Permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- G. Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
- H. Failure to accurately report noncompliance.

11.3 Applicability

The criteria in Sections 11.2(A-C) are applicable to all permitted industries, whereas the criteria in Sections 11.2(D-H) are only applicable to Significant Industrial Users.

PART 12- ADMINISTRATIVE ENFORCEMENT REMEDIES

12.1 Notification of Violation

The City may serve a written Notice of Violation on the Permittee that the City and/or the Executive Director finds the Permittee has violated any provision of this Permit, including terms or requirements of an ordinance, order, or a pretreatment standard or requirement. In all cases in this Permit, a continuation of a violation of a provision of this Permit is a "violation." The Permittee shall, in response to a Notice of Violation, provide the City a written explanation of the violation, its cause, and a corrective action plan within thirty (30) days of the receiving this notice. The Permittee submitting plans to correct noncompliance must include the specific actions they will take to correct ongoing and prevent future violations at the soonest practicable date. The City's acceptance of a plan does not relieve the Permittee of liability for any violations. The City may also take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

12.2 Consent Orders

The City may enter into a Consent Order or other voluntary agreement to memorialize agreements with the Permittee for violating any requirement of this Permit after consultation with the Executive Director. Such agreements must include the specific action(s) required and date(s) they are to be completed to correct the noncompliance. Such documents must be constructed in a judicially enforceable manner, and have the same force and effect as administrative orders issued pursuant to Sections 12.4 and 12.5 of this Permit.

12.3 Show Cause Hearing

After consultation with the Executive Director, the City may propose actions in response to a violation of any provision of this Permit, including a provision of an ordinance, order, or a pretreatment standard or requirement. The City will notify the Permittee of the violation, the proposed action, the rationale, and the Permittee's rights and obligations to provide evidence why the proposed enforcement action should not be taken, and to provide its support for any alternative it proposes at this meeting. The Permittee shall have the right to a show cause hearing to contest the City's action provided for by this Permit or determination that the Permittee has violated a compliance schedule order.

Any hearing pursuant to this Section must be requested by the Permittee in writing within fifteen (15) business days after the Permittee receives notice of the City's proposed action. The Permittee's written request for hearing shall be filed with the Executive Director.

The hearing authorized by this Section shall be held before the LOTT Technical Sub-Committee (TSC). Formal rules of evidence shall not apply, but the Permittee and the City shall have the right to present witnesses and other evidence. The TSC shall issue a written decision within fourteen (14) business days of the conclusion of the hearing.

The Permittee shall have the right to make an electronic or stenographic record of the proceedings. Such record shall be made at the Permittee's expense.

The TSC may, by resolution or Permit, adopt additional rules for the conduct of hearings pursuant to this Section.

A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Permittee.

12.4 Compliance Orders

The City, after consulting with the Executive Director, may issue a compliance order to the Permittee, if the Permittee has violated any provision of this Permit including a requirement of a Permit, order, or a pretreatment standard or requirement. The compliance order may direct that the Permittee come into compliance within a specified time, install and properly operate adequate treatment facilities or devices, or take such measures as the City or Executive Director finds are reasonably necessary. These measures may include additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, or relieve the Permittee of liability for any violation, including a continuing violation. If the Permittee does not come into compliance within the time provided, sewer service may be discontinued. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.5 Cease and Desist Orders

When the City and/or Executive Director finds that the Permittee has violated, or continues to violate, any provision of this Permit, an ordinance, an order issued hereunder, or any other pretreatment standard or requirement, or that the Permittee's past violations are likely to recur, the City may, after consultation with the Executive Director, issue an order to the Permittee directing it to cease and desist all such violations and directing the Permittee to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.6 Administrative Fines

- A. When the City finds that the Permittee has violated, or continues to violate, any provision of this Permit, an ordinance, an order issued hereunder, or any other pretreatment standard or requirement, the City may, after consultation with the Executive Director, fine such Permittee in an amount not to exceed ten thousand dollars (\$10,000). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. The City may add the costs of any emergency response, additional monitoring, investigation, and administrative costs related to the noncompliance and the City's response to the situation, to the amount of the fine.
- C. The City will consider the economic benefit gained by the Permittee as a result of the noncompliance in cases where there appears to have been a monetary benefit from not complying. In such cases, the City shall ensure that fines, to the maximum amounts allowable, exceed the benefit to the Permittee from the noncompliance.

- D. Unpaid charges, fines, and penalties shall, at thirty (30) calendar days past the due date, be assessed an additional penalty of one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month, or at the rate allowed by law if different from the foregoing. After thirty (30) days, the City shall be authorized to file a lien against the Permittee's property for unpaid charges, fines, and penalties.
- E. If the Permittee wishes to dispute such fines, the Permittee must file a written request for the City to reconsider the fine along with full payment of the fine amount within fifteen (15) working days of being notified of the fine. Where a request has merit as determined by the City and Executive Director, the City may convene a hearing on the matter pursuant to Section 12.3 of this Permit. In the event the Permittee's appeal is successful, the City shall rebate the difference between the initial and final penalty amounts to the Permittee.
- F. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

12.7 Emergency Suspensions

The City may immediately suspend the Permittee's discharge (or threatened discharge) when it reasonably appears to present a substantial danger to the health or welfare of persons. In such cases, the City will first provide informal notice to the Permittee. The City may also immediately suspend the Permittee's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, a danger to the environment.

- A. The Permittee, when notified of a suspension of its discharge, shall immediately stop or eliminate its contribution. If the Permittee fails to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary to protect the public and its interest in the sewer system. Remedies available to the City include immediately severing the sewer connection, at the Permittee's expense, turning off pump stations downstream of the Permittee, and partnering with law enforcement. The City may not allow the Permittee to recommence its discharge until the Permittee has demonstrated to the satisfaction of the City that the situation warranting the suspension has been properly addressed and any proposed Termination proceeding has been resolved.
- B. When the Permittee is responsible, in whole or in part, for any discharge presenting imminent endangerment, the Permittee shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. The Permittee shall submit this report to the City prior to the date of any show cause or termination hearing under Sections 12.3 and 12.8 of this Permit.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

12.8 Termination of Discharge

If the Permittee violates the following conditions, the Permittee is subject to having the privilege of discharging to the public sewer system withdrawn:

- A. Discharge of non-domestic wastewater not authorized by this Permit, including
 - 1. Where the appropriate Permit revision has not been requested;

2. Where the appropriate Permit revision has not yet been issued; or
 3. Where this Permit has been denied or revoked based on the provisions of Section 8.5, Permit Revocation, of this Permit.
- B. Violation of Permit terms and conditions including:
1. Exceeding any Permit limit;
 2. Failing to meet other pretreatment standards or requirements;
 3. Violating any prohibition; or
 4. Failing to properly monitor and report discharges or changed conditions.
- C. Refusal of reasonable access to the Permittee's premises for the purpose of inspection, monitoring, or sampling (whether subject to a permit or not).
- D. Violation of the pretreatment standards and requirements in Sections 1 and 5 of this Permit, including failure to satisfy Industrial Permittee Survey requirements.

When the City determines this remedy is necessary and appropriate to fulfill the intentions of this Permit, and after consulting with the Executive Director, the Permittee will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, under Section 12.3 of this Permit, why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the Permittee.

PART 13 – JUDICIAL ENFORCEMENT REMEDIES

13.1 Injunctive Relief

The City may seek injunctive relief when the Permittee has violated, or continues to violate a provision of this Permit, including an ordinance, pretreatment standard or requirement, or an order issued hereunder. In such cases, the City may petition the Superior Court of Thurston County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of this Permit, an ordinance, order, or other requirement imposed by this Permit on activities of the Permittee. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Permittee to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the Permittee.

13.2 Civil Penalties

- A. If the Permittee violates, or continues to violate a provision of this Permit, including a pretreatment standard or requirement, Permit, or order issued hereunder shall be liable to the City for a maximum civil penalty of ten thousand dollars (\$10,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and costs of any actual damages to the City or LOTT.
- C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the City may take to resolve noncompliance by the Permittee.

13.3 Criminal Prosecution

- A. If the Permittee willfully or negligently violates any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement, the Permittee shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. If the Permittee negligently introduces any substance into the POTW, which causes personal injury or property damage, the Permittee shall, upon conviction, be guilty of a misdemeanor. If the Permittee willfully introduces any substance into the POTW, which causes personal injury or property damage, the Permittee shall, upon conviction, be guilty of a gross misdemeanor. The Permittee, if convicted, will also be subject to prosecution for violation of any other laws, which may be applicable.
- C. If the Permittee knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Permit, Permit, or order issued hereunder, or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Permit, the Permittee shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

- D. In the event of a second conviction, the Permittee shall be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

13.4 Remedies Nonexclusive

The remedies provided for in this Permit are not exclusive. The City may take any, all, or any combination of these actions against the Permittee if found to be non-compliant. Enforcement of pretreatment violations will generally be in accordance with LOTT's Enforcement Response Plan. However, the City may take other action against the Permittee when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against the Permittee when found to be non-compliant.

PART 14 – SUPPLEMENTAL ENFORCEMENT ACTION

14.1 Penalties for Late Reports

The City may assess a penalty of up to fifty dollars (\$50) to the Permittee for each day that a report required by this Permit, an ordinance, or order issued hereunder is late. Penalties accrue beginning the fifth (5th) day after the report is due. The City's actions to collect late reporting penalties shall not limit the City's authority to initiate any other enforcement action.

14.2 Performance Bonds

The City may require a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City and Executive Director as necessary to assure the Permittee will achieve consistent compliance with this Permit. The Executive Director may require this bond as an enforcement response or as a prerequisite to issue or reissue this Permit. Any Permittee who has failed to comply with any provision of this Permit, a previous permit or order issued hereunder, an ordinance, or any other pretreatment standard or requirement may be subject to this requirement. This bond may also be required of any category of permitted industry, which has led to public burdens in the past regardless of the compliance history of the particular industry. The City may use this bond to pay any fees, costs, or penalties assessed to the Permittee whenever the Permittee's account is in arrears for over thirty (30) days. This includes the costs of cleanup of the site if the Permittee goes out of business, sells the business to a person that does not first assume the bond, or goes bankrupt. The Permittee may petition the City to convert their performance bond to a requirement to provide Liability Insurance, or to forego any such safeguard based on their performance. The Permittee may petition no more frequently than once in any twelve (12) month period.

14.3 Liability Insurance

The City may require the Permittee to provide liability insurance at its discretion. In such cases, the Permittee must provide proof that the insurance is sufficient to cover any liabilities incurred under this Permit, including the cost of damages to the POTW and the environment caused by the Permittee. The City may require the Permittee to provide the proof of such insurance prior to issuing or reissuing this Permit.

14.4 Payment of Outstanding Fees and Penalties

The City may decline to reissue this Permit to the Permittee if the Permittee has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this Permit, a previous permit or order issued hereunder, or an ordinance.

14.5 Water Supply Severance

The City may order water service to the Permittee severed whenever the Permittee has violated or continues to violate any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement. If the Permittee wishing to restore their service, the Permittee must first demonstrate their ability to comply with this Permit and pay the related costs of this action.

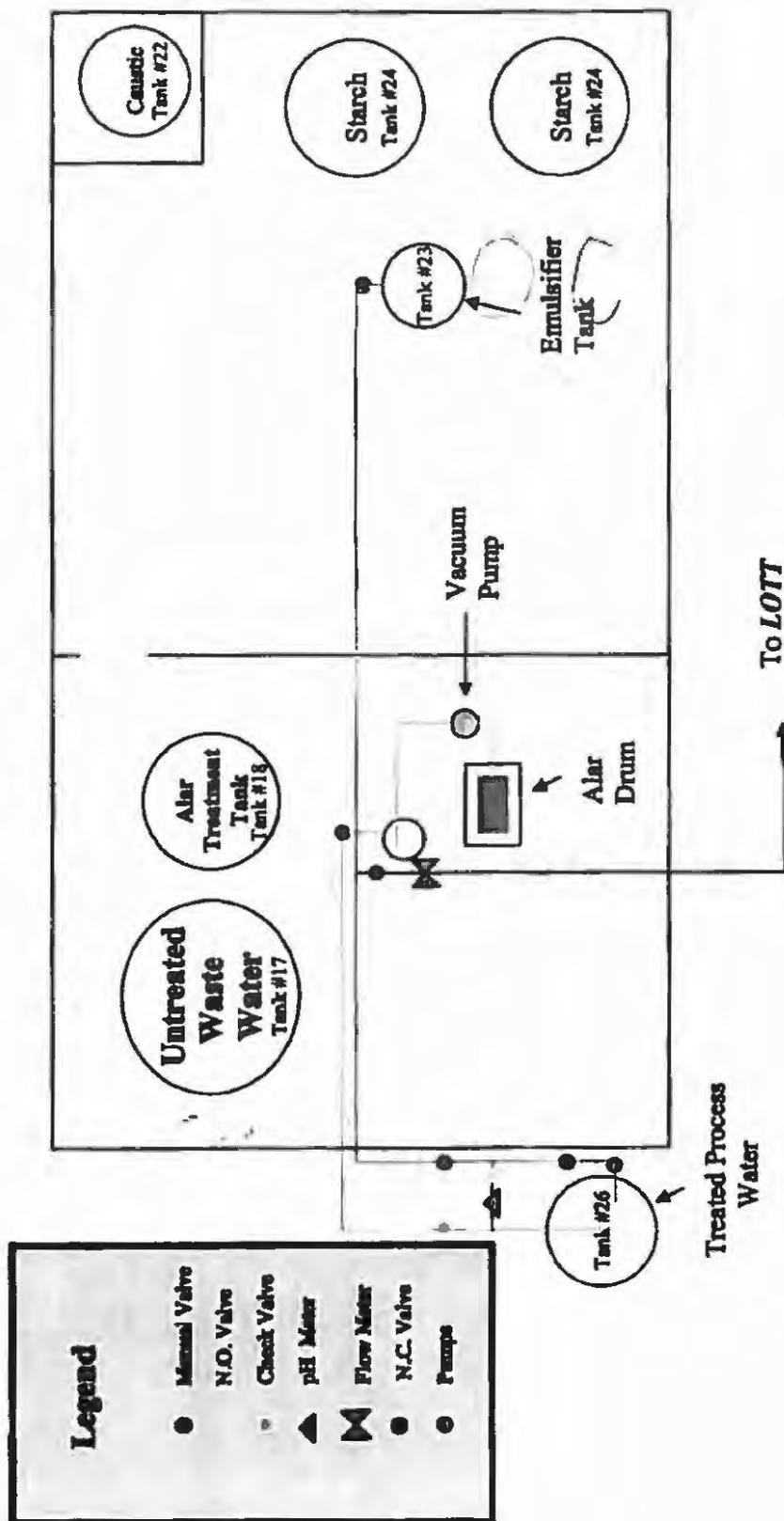
14.6 Public Nuisances

A violation of any provision of this Permit, an ordinance, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person creating a public nuisance shall be subject to the provisions of City's Municipal Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

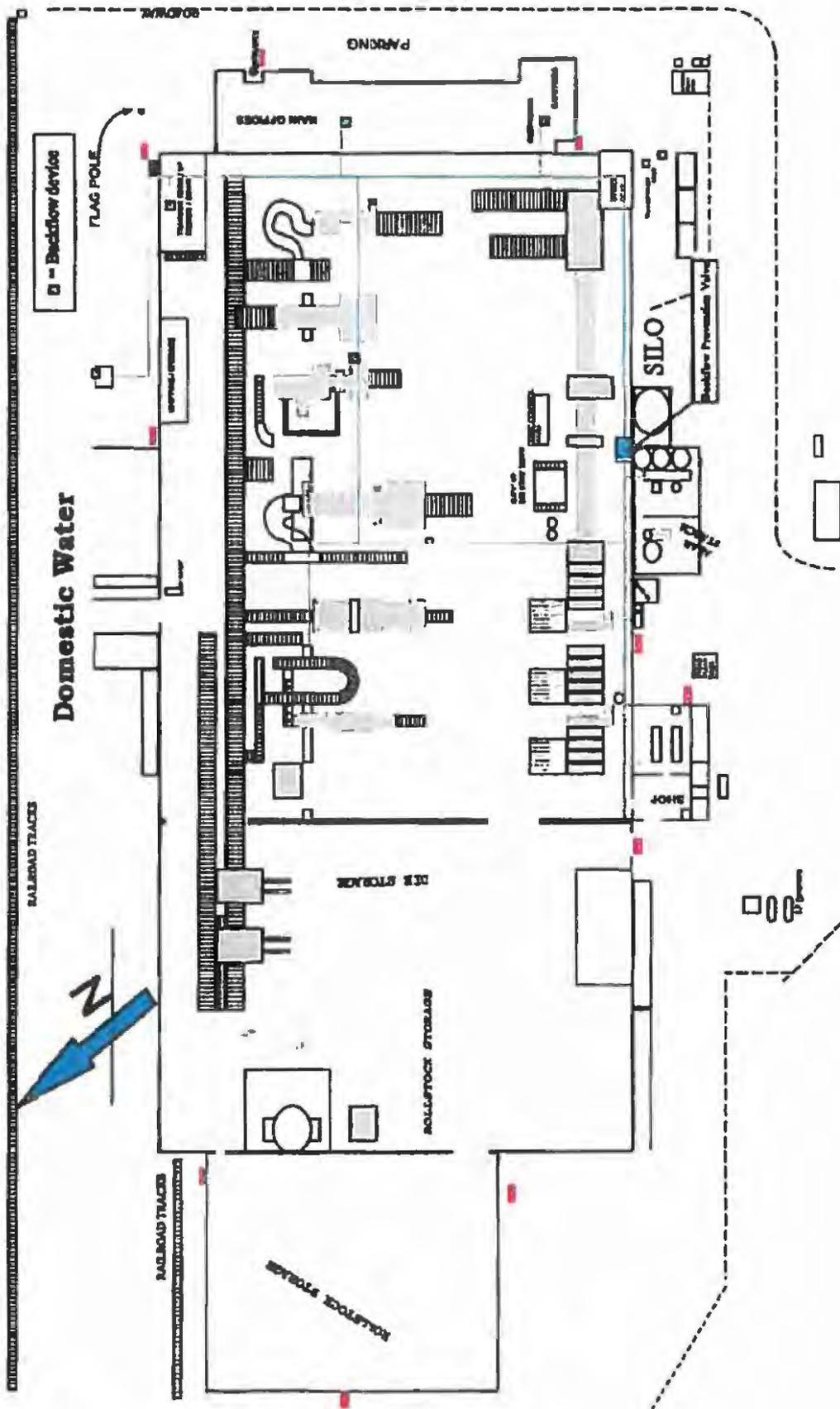
APPENDIX I

SCHEMATIC DIAGRAM, SITE PLAN, & FLOW DIAGRAMS

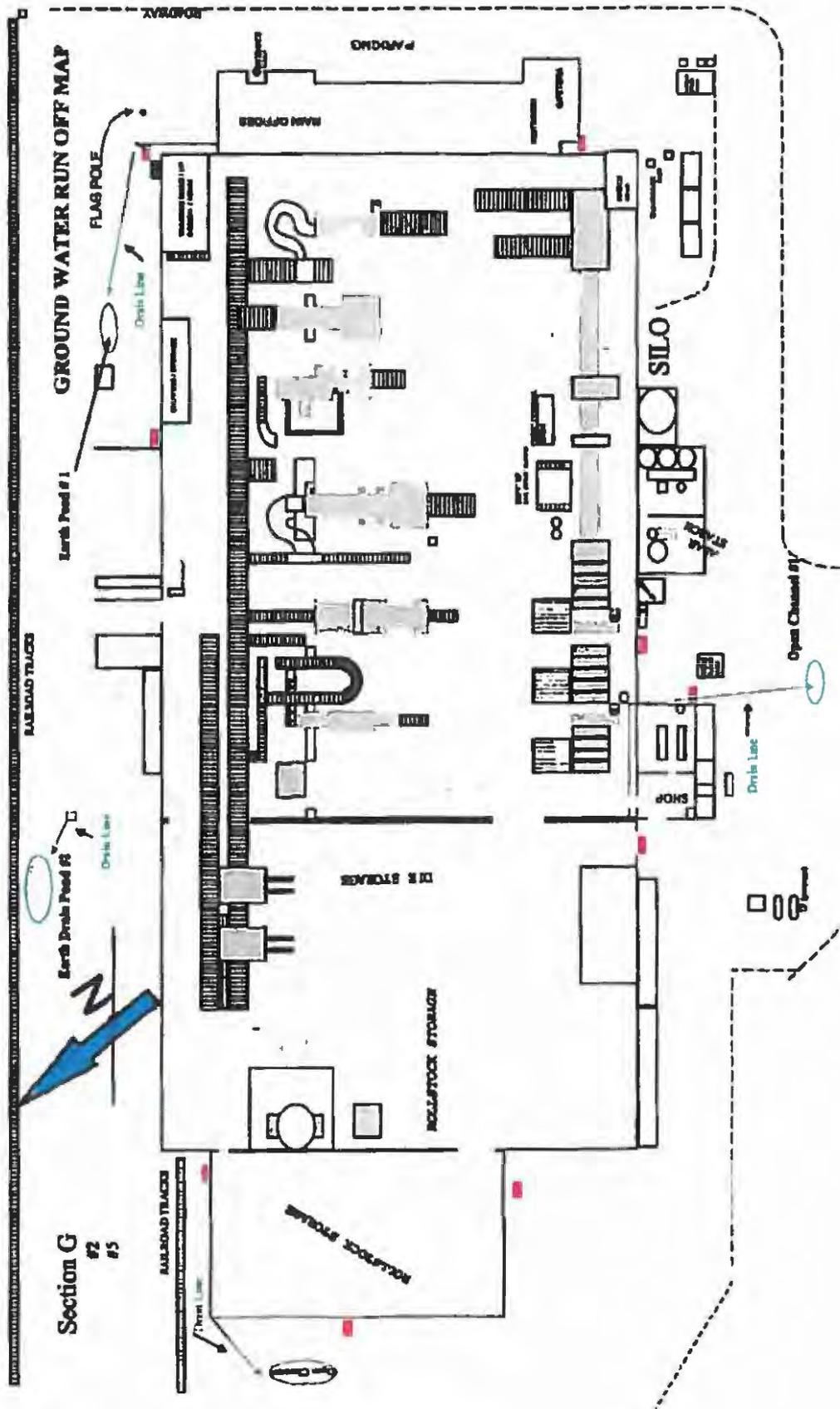
Treated Waste Water Layout



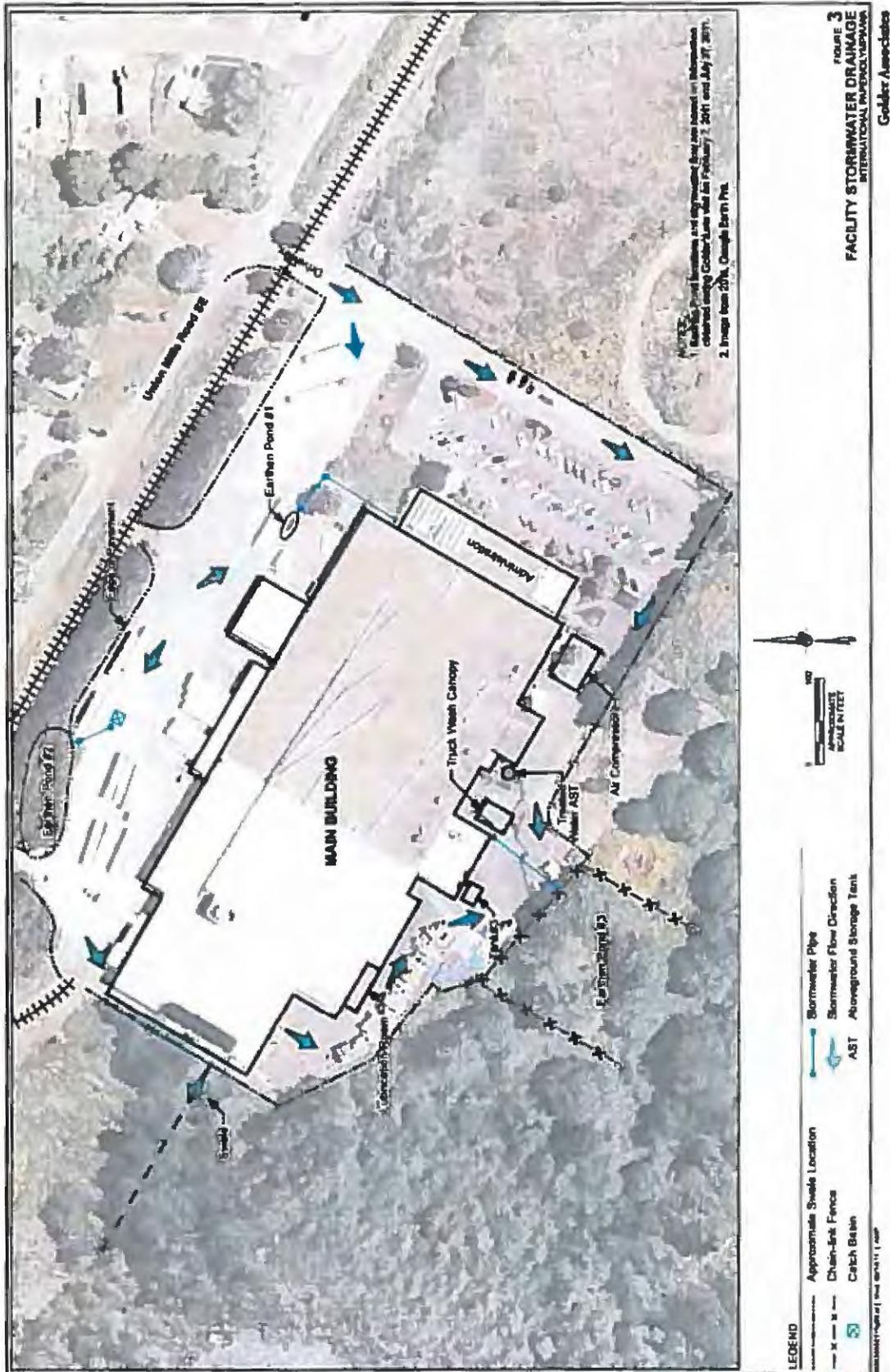
b Domestic Waste Water Flow Plan



c Ground Water Run Off Plan



d Facility Stormwater Drainage Aerial



e Production Schematic Flow Plan

