

1 **BEFORE THE STATE OF WASHINGTON ENERGY**  
2 **FACILITY SITE EVALUATION COUNCIL**

3 In the Matter of: Application No. 2013-01

CASE NO. 15-001

4 TESORO SAVAGE, LLC

AFFIDAVIT OF FRANK A. DICK IN  
SUPPORT OF CITY OF VANCOUVER'S  
MOTION FOR ORDER RULING THAT  
EFSEC LACKS AUTHORITY TO ISSUE  
PRETREATMENT DISCHARGE PERMIT

5 VANCOUVER ENERGY DISTRIBUTION  
6 TERMINAL

7 STATE OF WASHINGTON )

8 )  
9 COUNTY OF CLARK ) ss.

10 I, Frank A. Dick, do hereby solemnly affirm as follows:

11 1. I am competent to testify in this adjudication, and I have personal knowledge of  
12 the facts stated herein.

13 2. I am the Sewer and Wastewater Engineering Supervisor for the Public Works  
14 Division of the City of Vancouver, Washington ("Vancouver"), and I am a Washington state  
15 registered professional chemical engineer.

16 3. This affidavit is submitted in support of the City of Vancouver's Motion for Order  
17 Ruling that EFSEC Lacks Authority to Issue Pretreatment Discharge Permit submitted herewith  
18 ("Motion").

19 4. I personally oversee maintenance of business records for Vancouver within the  
20 scope of my authority, including Vancouver's wastewater pretreatment program, which is a  
21 component of the National Pollutant Discharge Elimination System ("NPDES") established by  
22 the Clean Water Act, 33 U.S.C. § 1251 *et seq.*

1           5.       Attachment 2 to the Motion is a true, correct and complete copy from said  
2 business records of the letter from Pamela A. Elardo, District Engineer for the Washington  
3 Department of Ecology (“Ecology”), to Victor Ehrlich with Vancouver, dated September 30,  
4 1987, and such letter’s enclosure, Order No. DE 87-S188 issued by Ecology to Vancouver of  
5 even date therewith, approving Vancouver’s wastewater pretreatment program submissions.

6           6.       Attachment 3 to the Motion is a true, correct and complete copy from said  
7 business records of the current NPDES discharge permit for the Westside Water Reclamation  
8 Facility issued by Ecology on August 29, 2001. Although said permit has expired by its own  
9 terms, Ecology has extended its expiration date, so it remains in effect.

10          7.       Attachment 5 to the Motion is a true, correct and complete copy from said  
11 business records of a letter from David J. Knight, an industrial pretreatment engineer with  
12 Ecology, to Michael Le, an NPDES permit writer with the United States Environmental  
13 Protection Agency (“EPA”), dated August 18, 2010, on which I was copied, enclosing a copy of  
14 Vancouver’s updated Industrial Pretreatment Program Manual. Ecology and Vancouver worked  
15 closely and cooperatively over a period of years to comprehensively update Vancouver’s  
16 Industrial Pretreatment Program Manual.

17          8.       An individual wastewater pretreatment discharge permit (“Pretreatment Permit”)  
18 typically will include effluent concentration limits for specific pollutants and general  
19 characterization requirements for the effluent, such as remaining within a specified pH range and  
20 ensuring that the effluent will not cause interference or pass through.

21          9.       Additional requirements in Pretreatment Permits include: adherence to standards  
22 for effluent sampling, periodic reporting, recordkeeping and records retention; use of specified  
23 EPA-approved laboratory testing methods; calibration and maintenance of testing equipment;

1 and implementation of industry-specific best management practices, including maintenance of  
2 pretreatment equipment.

3 10. Pretreatment Permits do not specify treatment technologies or industrial process  
4 modifications to meet the required standards. Instead, Vancouver will request that the applicant  
5 propose a pretreatment plan to bring the effluent into compliance, either at the time of initial  
6 application, if the pretreatment process is known at that time, or later after Vancouver has  
7 developed effluent concentration limits for specified pollutants.

8 11. Calculation of effluent limitations for a Pretreatment Permit requires intimate  
9 knowledge of the operations and operational constraints of Vancouver's Publicly Owned  
10 Treatment Works ("POTW"). For example, we must be aware of the treatment options available  
11 for each POTW to address different pollutants in nondomestic wastewater and how  
12 implementing these options would affect the POTW's discharges under its NPDES discharge  
13 permit.

14 12. Vancouver has two wastewater treatment plants: the Westside Water  
15 Reclamation Facility located at 2323 West Mill Plain Blvd. and the Marine Park Water  
16 Reclamation Facility located at 4550 SE Columbia Way. The Applicant's discharges would go  
17 to the Westside Water Reclamation Facility.

18 13. Each treatment plant has an NPDES discharge permit, and each of these permits  
19 requires, at Section S1A, analysis of wastewater and sludge for Priority Pollutants identified in  
20 Tables II and III of Appendix D of 40 C.F.R. 122 as well as additional "toxic pollutants"  
21 specified in Section S6B of the permits.

22 14. These NPDES discharge permits also require Vancouver to implement an  
23 approved pretreatment program for nondomestic wastewater discharges to the treatment plants.  
24

1           15.    If Vancouver's discharges to waters of the United States exceed the prescribed  
2 effluent limits for the specified pollutants, Vancouver may be subject to an enforcement action  
3 by Ecology or EPA.

4           16.    Likewise, if Vancouver fails to implement or maintain its approved pretreatment  
5 program, Vancouver may be subject to an enforcement action by Ecology or EPA.

6  
7 Dated: March 28, 2016

8 Frank A. Dick  
9 Frank A. Dick

10  
11           I certify that I know or have satisfactory evidence that Frank A. Dick is the person who  
12 appeared before me, and said person acknowledged that he signed this instrument and  
13 acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the  
14 instrument.

15 Dated: March 28, 2016

16 Linda E. Jones  
17 Notary Public

My appointment expires:  
August 1, 2017

