

State Waste Discharge Permit WA-ST-7441

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

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

State of Washington Energy Siting Law
Chapter 80.50 Revised Code of Washington.

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

Draft
November 7, 2003

<u>Facility Location:</u> 4519 Grandview Road Blaine, Washington. 98230	<u>Process Wastewater Discharge Location:</u> Outfall 001: Waterbody name: Strait of Georgia Latitude: 48° 51' 39" N Longitude: 122° 45' 26" W.
<u>Industry Type:</u> Electric Generating Plant (SIC 4911)	
<u>Water Body ID No.</u> WA-01-0010	<u>Stormwater Discharge Location:</u> Waterbody name: Discharges into Terrell Creek a tributary to the Strait of Georgia

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

Date: _____

Chair, Energy Facility Site Evaluation Council

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SUMMARY OF PERMIT STUDIES AND REPORT SUBMITTALS

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

Condition	Study/Submittal Requirement	Frequency	Report Submittal Date
S2.D	Hydrostatic Testing Wastewater Characterization Plan	90 days prior to construction	
S2.E	Process Wastewater and Stormwater Characterization	2/permit cycle (90 days after startup or at steady state operation and 180 days prior to permit renewal)	Within 120 days of characterization for first study and with permit renewal application
S3.	Reporting Non-Routine and Unanticipated Discharges	As necessary	
S4.A	Discharge Monitoring Report	Monthly	
S4.E	Noncompliance Notification	As necessary	
S5.	Operations and Maintenance (O&M) Manual	90 days prior to starting operations	
S5.	O&M Manual Review and Updates	Annually	
S6.A	Solid Waste Control Plan	90 days prior to beginning construction	
S6.A	Solid Waste Control Plan Update	With renewal application	
S7.A	Construction Phase SPCC Plan and Hazardous Waste Management Plan	90 days prior to beginning construction	

Condition	Study/Submittal Requirement	Frequency	Report Submittal Date
S7.B	Operations SPCC Plan and Hazardous Waste Management Plan	Within 6 months prior to beginning commercial operation	
S7.C	SPCC Plan Updates	Every 5 years or as needed for significant changes	
S8.A	Construction Stormwater Pollution Prevention Plan (SWPPP)	90 days prior to beginning site preparation	
S8.B	Operations Stormwater Pollution Prevention Plan	90 days prior to beginning commercial operation	
S8.D	SWPPP Modifications	30 days prior to implementing proposed changes	
S8.E	Stormwater Pond BMPs	Stormwater ponds constructed prior to site preparation Periodic cleaning and inspection, full inspection once every 5 years	
S8.E	Oil/Water Separator BMPs	Depth of oil measured once a month, oil and sludge removal as necessary	
G6.	Permit Application for Substantive Changes to the Discharge	As necessary	

Condition	Study/Submittal Requirement	Frequency	Report Submittal Date
G7.	Engineering Report for Construction or Modification Activities	As necessary	
G9	Periodic Review and Renewal of Authorization to Discharge Wastewater, Stormwater, and Sanitary Sewer Wastes	1/permit cycle	By _____

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

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

A. GENERAL

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

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

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

There shall be no discharge of polychlorinated biphenyl. There shall be no detectable amount of organic priority pollutants (listed in 40 CFR Part 423, Appendix A) in the discharges. Metal concentrations in the stormwater discharge shall not exceed surface or ground water quality standards.

B. OIL/WATER SEPARATOR DISCHARGES

Discharges from the stormwater system's oil/water separators, must comply with the requirements listed elsewhere in this permit and are subject to the following effluent limitations:

EFFLUENT LIMITATIONS

Parameter	Daily Maximum^a	Monthly Average^b
Oil and grease	15 mg/L ^c	10 mg/L

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

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

sample is taken during the calendar month, the maximum daily effluent limitation applies to that sample.

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

C. STORMWATER DISCHARGES

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

EFFLUENT LIMITATIONS

<u>Parameter</u>	<u>Maximum Concentration</u>
Total Suspended Solids	25 mg/L daily maximum ^a , 15 mg/L monthly average ^b
Toxics	No toxics in toxic amounts ^c

- ^a The daily maximum effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant during a calendar day. The daily discharge is the average measurement of the pollutant over the day.
- ^b The monthly average effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the maximum daily effluent limitation applies to that sample.
- ^c “No toxics in toxic amounts” is generally evaluated by comparing the results of priority pollutant testing to state and federal water quality standards to determine compliance.

S2. MONITORING REQUIREMENTS

A. MONITORING SCHEDULE - PROCESS WASTEWATER

Beginning ninety (90) days after startup of the cogeneration plant or when the process is at steady state operation, whichever is first, the Certificate Holder shall characterize the process wastewater for the parameters listed in EPA Form 3510-2C. After the characterization and lasting through the five year cycle, the Certificate Holder shall monitor the discharge from the process wastewater system as follows:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
pH	S.U.	Discharge to Refinery	Daily	Continuous
Flow	gallons/day	Discharge to Refinery	Daily	Continuous
Temperature, maximum	degrees Celsius	Discharge to Refinery	Daily	Continuous
Priority Pollutant Metals	µg/L	Discharge to Refinery	Semi-annually the first year, annually thereafter	24-hour composite, using a compositor or consisting of 6 grab samples equally spaced over a 24-hour period

B. MONITORING SCHEDULE – OIL/WATER SEPARATOR DISCHARGES

Beginning at commencement of construction and lasting through the five year cycle, the Certificate Holder shall monitor the discharge (when flowing) from the stormwater system’s oil/water separators as follows:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Oil and Grease	mg/L	at discharge to stormwater ponds	Weekly or at each discharge event if batch	Grab

C. MONITORING SCHEDULE – STORMWATER DISCHARGES

Beginning at commencement of construction and lasting through the five year cycle, the Certificate Holder shall monitor the discharge of the stormwater (when flowing) to Terrell Creek wetlands as follows (Note: after the cogeneration facility has reached steady state operation, the Certificate Holder shall characterize the stormwater for the parameters listed in EPA Form 3510-2C):

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Total Suspended Solids	mg/L	Pond outfall	Daily (or at each discharge event if batch) during construction Weekly (or at each discharge event if batch) after construction	24-hour composite or hourly grab if batch discharge
Priority Pollutant Metals	µg/L	Pond outfall	Annually	24-hour composite or hourly grab if batch discharge
EPA Form 3510-2C	µg/L	Pond outfall	After the cogeneration facility has reached steady state operation	24-hour composite or hourly grab if batch discharge

D. HYDROSTATIC TESTING WASTEWATER PLAN AND CHARACTERIZATION

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

The plan for the hydrostatic testing wastewater characterization shall be submitted to the Council and Ecology at least ninety (90) days prior to construction. No discharge shall occur prior to Council approval of the plan. The discharge of hydrostatic test water shall conform to the requirements of the approved plan. The Certificate Holder shall notify the Council and Ecology prior to discharging hydrostatic test water to the refinery. Results of the hydrostatic testing wastewater characterization shall be submitted with the monthly discharge monitoring report required in Condition S4.A.

E. PROCESS WASTEWATER AND STORMWATER CHARACTERIZATION

Twice within the five year period established for these discharge conditions, the Certificate Holder shall perform a complete analysis of the process wastewater and stormwater discharges using parameters in EPA's Form 3510-2C to fully characterize these discharges. The first characterization shall be performed within 90 days of start up of the cogeneration plant or when the process is at steady state operation, whichever is first. The second characterization shall be 180 days prior to the renewal date of the permit.

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

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

The Certificate Holder shall use clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034) for collection of metals samples. Effluent samples shall be collected as 24-hour composite samples.

F. FLOW MEASUREMENT

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be properly installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of

device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least once per year. Calibration records shall be maintained and retained.

G. SAMPLING AND ANALYTICAL PROCEDURES

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

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

H. LABORATORY ACCREDITATION

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

I. FUTURE MONITORING REQUIREMENTS

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

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

S3. NON-ROUTINE AND UNANTICIPATED DISCHARGES

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

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
3. The total volume of water expected to be discharged.

4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Applicant's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameters deemed necessary by the Council. All discharges must comply with the effluent limitations as established in this Site Certification Agreement, water quality standards, sediment management standards, and any other limitations imposed by the Council.
5. The date of the proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances and exits.
6. If the proposed discharge is to a municipal storm drain and is approved by the Council, the Applicant shall notify the municipality of the discharge.

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

S4. REPORTING AND RECORDKEEPING REQUIREMENTS

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

A. REPORTING

The first monitoring period begins at commencement of construction of the cogeneration facility. Monitoring results for process wastewater, oil/water separator and stormwater discharges shall be submitted monthly. Monitoring results for stormwater discharges shall be submitted only for months when discharges occur. Monitoring results obtained during the previous month shall be summarized and reported on an approved Discharge Monitoring Report (DMR) postmarked no later than the 15th day following the end of the month. EPA Form 3510-2C pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Duplicate signed copies of the DMRs shall be submitted to the Council and the Department of Ecology at the following addresses:

EFSEC
P.O. Box 43172
Olympia, WA 98504-3172

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

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of

analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

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

B. RECORDING OF RESULTS

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

C. ADDITIONAL MONITORING

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

D. RECORDS RETENTION

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

E. NONCOMPLIANCE NOTIFICATION

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

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Council within 30 days after becoming aware of the violation;
3. Immediately notify the Council and Ecology of the failure to comply; and
4. Submit a detailed written report to the Council within 30 days, unless requested earlier by the Council, describing the nature of the violation,

corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

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

F. COMPLIANCE SCHEDULES

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

S5. OPERATION AND MAINTENANCE

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

An Operations and Maintenance (O&M) Manual shall be prepared for the process wastewater, oil/water separators, and stormwater systems by the Certificate Holder in accordance with Chapter 173-240-150 WAC and be submitted to the Council for approval ninety (90) days prior to starting site preparation of the facilities. The O&M Manual shall be reviewed by the Certificate Holder at least annually and the Certificate Holder shall confirm this review by letter to the Council. Substantial changes or updates to the O&M Manual shall be submitted to the Council whenever they are incorporated into the manual.

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

S6. SOLID WASTE DISPOSAL

A. SOLID WASTE CONTROL PLAN

Ninety (90) days prior to commencement of construction, the Certificate Holder shall submit a Solid Waste Control Plan to the Council for review and approval. This plan shall address all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Wastes). The Solid Waste Control Plan shall include a general description and the composition, source, generation rate and frequency, and disposal methods of these solid wastes. This Solid Waste Control Plan shall be consistent with applicable sections of Chapters

173-304 and 173-350 WAC and any approved local solid waste management plan. The Certificate Holder shall comply with the plan as approved by the Council. The Certificate Holder shall submit an update of the solid waste control plan with the application for renewal of the permit.

B. RESIDUAL SOLIDS HANDLING

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

C. LEACHATE

The Certificate Holder shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of control and/or treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC.

D. SANITARY WASTES

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

S7. SPILL PLANS

A. CONSTRUCTION PHASE SPCC PLAN AND HAZARDOUS WASTE MANAGEMENT PLAN

Ninety (90) days prior to the start of site preparation, a Spill Prevention, Control, and Countermeasure Plan (SPCCP) and Hazardous Waste Management Plan shall be submitted to the Council for review and approval.

The SPCC Plan provides for the prevention, containment, and control of spills or unplanned discharges of: 1) petroleum (oil), 2) hazardous substances covered by 40 CFR Part 302, and 3) materials which when spilled or otherwise released into the environment are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in Chapter 173-303-070 WAC. The SPCC Plan shall include the following elements:

1. A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) intended to prevent, contain, or treat spills of these materials.
3. A list of all oil and chemicals used, processed, or stored at the facility which may potentially be spilled into state waters.

The construction phase SPCCP shall be implemented prior to the beginning of site preparation. The applicant shall require all contractors working on the facility to have a spill prevention and countermeasure program consistent with 40 CFR. Part 112.

B. OPERATIONS SPCC PLAN AND HAZARDOUS WASTE MANAGEMENT PLAN

Within six (6) months of the beginning of commercial operation, the Certificate Holder shall submit to EFSEC an operations Spill Prevention, Control and Countermeasure Plan (SPCCP) for review and approval. The Certificate Holder shall provide a copy to Ecology at the same time the plan is submitted to EFSEC.

1. The operations SPCCP shall be prepared by a professional engineer that meets applicable requirements of 40 CFR Part 112, Sections 311 and 402 of the Clean Water Act and Section 402 (a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080, and that includes the amount and type of hazardous materials to be stored at the Site, patterns of usage, transfer procedures, material specification sheets for all hazardous materials and other factors that shall indicate the magnitude of the spill potential and hazardous impact.
2. The operations SPCCP shall describe the following information, when applicable: procedures for securing valves, type of gauges, basis of dike size, capacity and design, inspection procedures, personnel training, emergency procedures and spill notification requirements.
3. The operations SPCCP shall include the location and topographic maps, accurate diagrams of the materials storage tanks, dike(s), piping, valves, transfer pad(s) and other significant components of the hazardous material storage systems.
4. The diesel oil storage tank shall be contained in a manner consistent with 40 CFR Part 112 and applicable state and local

rules and regulations. The containment dikes shall include a barrier that is sufficiently impervious to primary containment.

5. The design of all diesel oil and hazardous material tank containment shall address stormwater management.
6. The SPCCP shall be implemented within six (6) months of the beginning of operation.

C. PLAN UPDATES

The operations SPCC Plan shall be updated and submitted to the Council every 5 years for review and approval if there are no significant changes to the facility. The operations SPCC Plan shall be revised and submitted to the Council within 90 days of approved changes to the facility. The plan and any supplements shall be followed throughout the term of the Site Certification Agreement.

S8. STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

A. CONSTRUCTION PHASE STORMWATER POLLUTION PREVENTION PLAN

Ninety (90) days prior to beginning site preparation, the Certificate Holder shall submit a construction SWPPP to the Council for approval. The plan shall be prepared in accordance with the objectives and requirements identified in Special Condition S.9. included in the National Pollutant Discharge Elimination System and State Waste Discharge General Permit for stormwater discharges associated with construction activities issued by Ecology on October 4, 2000 or as revised.

B. OPERATIONS STORMWATER POLLUTION PREVENTION PLAN

Ninety (90) days prior to beginning commercial operation, the Certificate Holder shall submit an operations SWPPP to the Council for approval. The plan shall be prepared in accordance with the guidance provided in the Stormwater Management Manual for Western Washington (August 2001). The plan shall also include a discussion of the various wastestreams contributing to the stormwater pond and identify all implemented BMPs.

C. GENERAL REQUIREMENTS

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

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

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

D. PLAN MODIFICATIONS

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

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

E. SPECIFIC BMPs

Stormwater Ponds

Stormwater ponds shall be lined in accordance with the engineering report submitted to the Council for review and approval (Permit Condition G7). The ponds shall be constructed and lined prior to the beginning of site preparation.

Periodic cleaning and inspection of stormwater system components shall be performed and recorded. Storm drain inlets and manholes, oil water separators, and retention pond liners above the low water line shall be cleaned and inspected annually. At least once in each five-year period the entire retention pond system and the stormwater drain piping shall be inspected. The entire retention pond system and the stormwater drain piping shall be cleaned and repaired as indicated by the inspection results. Retention pond sediment depth shall be checked and recorded annually. Retention pond cleaning shall be conducted when sediment accumulation exceeds an average depth of six inches or when the total suspended solids content of released stormwater indicates that a pond is not capable of retaining settled solids.

Oil/Water Separators

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

approved waste disposal operator. Waste disposal and inspections shall be recorded.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

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

- A. All renewal applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Council shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Council.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Council prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

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

are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

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

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required in the conditions.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring Site Certification Agreement compliance or as otherwise authorized by the Clean Water Act.

G3. REDUCED PRODUCTION FOR COMPLIANCE

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

G4. REMOVED SUBSTANCES

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

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

The Council may modify, revoke, or refuse to renew the Certificate Holder's authorization to discharge wastewater, stormwater, or sanitary sewer wastes as set forth in the following paragraphs a, b, and c. Such modifications, revocations, or refusals to renew shall not require approval by the Governor.

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

1. Continuing violation of any term or condition that adversely impacts public health.
 2. Obtaining permit conditions by misrepresentation or failure to disclose all relevant facts.
 3. A material change in quantity or type of wastewater discharge or its disposal.
 4. A determination that the activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by modification or termination [40 CFR part 122.64(3)].
 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the conditions [40 CFR Part 122.64(4)].
 6. Failure or refusal of the Certificate Holder to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Certificate Holder requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of issuance that would have justified the application of different conditions.
 3. Material and substantial alterations or additions to the facility or activities which occurred after issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon Site Certification Agreement conditions, or requiring revision.
 5. The Certificate Holder has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 6. The Council has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1. through A6., of this section, and the Council determines that modification or revocation and reissuance is appropriate.
2. The Council has received notification of a proposed transfer of the Site Certification Agreement.

G6. REPORTING A CAUSE FOR MODIFICATION

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

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

G7. PLAN REVIEW REQUIRED

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

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

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

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

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