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WAC 463-XX-XXX Water Quality

(1) Introduction.

This rule describes the standard the Council will apply to waste water discharges from thermal power plants under the Council's jurisdiction.

(2) Definitions

(a) "National Pollution Discharge Elimination System" or "NPDES" means the water quality permitting system established pursuant to 33 U.S.C. §§ 1301, 1342.

(3) Policy

Waste water discharges from thermal power plants under the Council's jurisdiction should not result in a significant adverse impact on the environment or human health. Compliance with this policy shall be determined based on the standards outlined in subsections (4), (5) and (6) below.

(4) Wastewater Discharges Subject to the National Pollution Discharge Elimination System (NPDES) Permitting Program.

For thermal power plants under the Council's jurisdiction that discharge wastewater subject to the NPDES permitting program, compliance with existing state and federal regulations concerning the NPDES permitting program, as adopted by the Council in Chapter 463-38 WAC, shall create a presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state and federal standards, have a significant adverse impact on the environment or human health. If such a determination is made, the Council may, require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health.

(5) Wastewater Discharges to Publicly Owned Treatment Facilities.

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For thermal power plants under the Council's jurisdiction that discharge wastewater to publicly owned treatment facilities, the Council's standard shall be deemed satisfied upon a demonstration that waste water discharges will not interfere with the ability of the treatment facility to comply with the permits governing its operation.

(6) Wastewater Discharges to Ground Water.

For thermal power plants under the Council's jurisdiction that discharge wastewater to groundwater, compliance with WAC Chapter 173-200 shall create a presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state standards, have a significant adverse impact on the environment or human health. If such a determination is made, the Council may, require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health.