

WAC 173-220-140 Schedules of compliance. (1) The department shall establish schedules and permit conditions as follows to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements:

(a) With respect to any discharge which is found not to be in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in WAC 173-220-130, the permittee shall be required to take specific steps to achieve compliance with the following:

Any legally applicable schedule of compliance contained in:

- (i) Section 301 of FWPCA;
- (ii) Applicable effluent standards and limitations;
- (iii) Water quality standards; and
- (iv) Applicable requirements listed in WAC 173-220-130, 173-220-150, and 173-220-210;

(b) Schedules of compliance, shall set forth the shortest, reasonable period of time, to achieve the specified requirements, such period to be consistent with the guidelines and requirements of the FWPCA.

(2) In any case where the period of time for compliance specified in subsection (1)(a) of this section exceeds one year, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement; however, in no event shall more than one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than one year and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement.

(3) Either before or up to fourteen days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or non-compliance with the interim or final requirement.

(4) On the last day of the months of February, May, August, and November, the department shall transmit to the regional administrator a list of all instances in the previous ninety days of failure or refusal of a major permittee to comply with an interim or final requirement. Such list shall be available to the public for inspection and copying and shall contain at least the following information on each instance of noncompliance:

- (a) Name and address of each noncomplying permittee;
- (b) A short description of each instance of noncompliance (e.g., failure to submit preliminary plans, delay in commencement of construction of treatment facility, failure to notify department of compliance with an interim requirement, etc.)
- (c) A short description of any actions or proposed actions by the permittee or the department to comply or enforce compliance with the interim or final requirement; and
- (d) Any details which explain or mitigate an instance of noncompliance with an interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement in a permit, such noncompliance shall constitute a violation of the permit for which the department may modify or revoke the permit or take direct enforcement action.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. WSR 88-22-059 (Order 88-9), § 173-220-140, filed 11/1/88. Statutory Au-

thority: RCW 90.48.035 and 90.48.260. WSR 82-24-078 (Order DE 82-39),
§ 173-220-140, filed 12/1/82; Order DE 74-1, § 173-220-140, filed
2/15/74.]