

TRANSMITTAL OF RULES ADOPT.

FROM: Thermal Power Plant Site Evaluation Council
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 1-75
Emergency rules

relating to (Name of rules or description of subject matter)

Regulations For Compliance With NPDES Permit Program

WAC 463-16-055 (AMD)

WAC 463-16-065 (AMD)

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 5129 ^① filed with the code reviser
on 2-28-75 ^② were regularly adopted as permanent rules of
(date)
this agency at Olympia, Washington on 3-24-75 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 30 days after ^③
filing.

(ALTERNATIVE B. Use only for adoption of emergency rules)

~~pursuant to its finding in the attached administrative order,
that the immediate adoption of these rules is necessary for the
preservation of the public health, safety, or general welfare and
that observance of the requirements of notice and opportunity to
present views on the proposed action would be contrary to the
public interest, were regularly adopted as emergency rules of this
agency at _____ on _____ and
(place) (date)
are herewith filed in the office of the code reviser pursuant to
chapter 34.04 RCW.~~

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

Dated this 7th day of April 1975.

STATE OF WASHINGTON
FILED
APR 7 1975
CODE REVISER'S OFFICE
DOCKET # 637 / FILE # 1

Thermal Power Plant Site
Evaluation Council
(AGENCY)

By *Joseph F. Lightfoot*
Joseph F. Lightfoot
Executive Secretary

Title

① Notice number as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in
another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

IN AND BEFORE THE
THERMAL POWER PLANT SITE EVALUATION COUNCIL
STATE OF WASHINGTON

Administrative Order No. 1-75

(1) I, Joseph Lightfoot, Executive Secretary for the Thermal Power Plant Site Evaluation Council of the State of Washington, by virtue of the authority vested in the Council pursuant to chapter 80.50 RCW, and chapter 34.04, the Administrative Procedures Act, hereby assert that the Council has ordered the promulgation and adoption of the annexed rules and regulations, to wit:

Regulations For Compliance With NPDES Permit Program

WAC 463-16-055 {AMD}

WAC 463-16-065 {AMD}

as permanent rules of the agency.

(2) This Order shall, after being first recorded as an administrative order in the order register of the Thermal Power Plant Site Evaluation Council, be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and WAC 1-12-050.

Approved and Adopted April 7, 1975.

Attest: 

Joseph F. Lightfoot
Executive Secretary

AMD

WAC 463-16-055 OTHER TERMS AND CONDITIONS. In addition to the requirements of WAC 463-16-051, 052 and 053, each issued NPDES Permit shall require that:

(1) All discharges authorized by the NPDES Permit shall be consistent with the terms and conditions of the Permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the Council by submission of a new NPDES Application or supplement thereto or, if such discharge does not violate effluent limitations specified in the NPDES Permit, by submission to the Council of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the NPDES Permit shall constitute a violation of the terms and conditions of the NPDES Permit;

(2) The Permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(a) Violation of any term or condition of the NPDES Permit;

(b) Obtaining an NPDES Permit by misrepresentation or failure to disclose fully all relevant facts; and

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(3) The permittee shall allow the Council or its authorized representative upon the presentation of credentials and at reasonable times:

(a) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the NPDES Permit;

(b) To have access to and copy at reasonable cost any records required to be kept under terms and conditions of the NPDES Permit;

(c) To inspect any monitoring equipment or method required in the NPDES Permit; or

(d) To sample any discharge of pollutants.

(4) The permittee shall at all times maintain a good working order and operate as efficiently as possible any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the NPDES Permit.

(5) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Sec. 307(a) of the Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the NPDES Permit, the Council shall revise or modify the NPDES Permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

WAC 463-16-065 MONITORING AND ENFORCEMENT. The Council hereby delegates to the DOE the monitoring activities of water discharges under a Certification Agreement which incorporates the NPDES Permit. As a result of said monitoring activities, DOE shall report to the Council any activity by a permittee which in its judgment requires the initiation of appropriate enforcement activities by the Council including those in WAC 463-16-055, pursuant to RCW 80.50.150. The Council shall then take or initiate action to enforce the terms of any Certification Agreement and the incorporated NPDES Permit. This in no way shall restrict any enforcement by other public agencies and officials under existing law. If DOE determines that immediate action is needed to enforce the Act or any statute or regulation derived therefrom, it is delegated the enforcement authority and responsibility to carry out such immediate action as it deems necessary and shall report such actions to the Council. Such action shall remain in effect until confirmed or modified by the Council.