

Permit No.: SIU-2026-002

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

**Industrial User Name:** XCJ Corp. DBA Mila Dumpling  
**Parcel Number:** 0420138019  
**Facility Address:** 1515 Puyallup Street, Sumer WA. 98390  
**Mailing Address:** 113 Cherry Street, Seattle, WA. 98104  
**Industry Category:** Significant Industrial User  
Food Manufacturing

The above Industrial User is authorized to discharge industrial wastewater to the sanitary sewer system connected to the Sumner Wastewater Treatment Facility in compliance with the Sumner – Bonney Lake Joint Pretreatment Program Pretreatment Regulations, any applicable provisions of Federal or State laws or regulations, and in accordance with effluent limitations, monitoring requirements, and other terms and conditions set forth herein.

This permit is granted in accordance with the wastewater discharge permit application confirmed as complete on 10/22/2025 to the City of Sumner as the Control Authority for the Sumner – Bonney Lake Joint Pretreatment Program, and in conformance with plans, specifications, and other data submitted to the Joint Pretreatment Program in support of the above application.

Effective Date: \_\_\_\_\_  
Reapplication Date: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
[Enter Authorized Official's Name]

\_\_\_\_\_  
Issuance Date

\_\_\_\_\_  
[Enter Authorized Official's Title]

PART I. WASTEWATER DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS.....3  
PART II. SPECIAL CONDITIONS.....5  
PART III. EMERGENCY NOTIFICATIONS.....7  
PART IV. SELF-MONITORING AND JPP SAMPLING NON-COMPLIANCE RESPONSE .....8  
PART V. REQUIRED REPORTS AND NOTIFICATIONS.....9  
PART VI. ANNUAL PUBLICATION OF SIGNIFICANT NON-COMPLIANCE..... 11  
PART VII. STANDARD CONDITIONS ..... 12

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**PART I. WASTEWATER DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

**1. Wastewater Monitoring Effluent Limitations**

The XCI Corp. DBA Mila Dumplings (Permittee) shall comply with the effluent limitations specified below beginning with the effective date of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit constitutes a violation of the terms and conditions of this permit.

<b>Table 1x - EFFLUENT LIMITATIONS for Sample Location: Outfall 002A</b>			
Parameter	Daily Maximum <sup>1</sup>	Monthly Average <sup>2</sup>	Instantaneous Maximum
Flow, gallons per day (gpd)	56,000	45,000 GPD	
pH, standard units (SU)	Within the range of 5.5 – 10.0		
Non-Polar Oil & Grease	100 mg/L	100 mg/L	
Total Suspended Solids	70 lbs	56 lbs	
5-Day Biochemical Oxygen Demand	140 lbs	112 lbs	
1. The daily maximum effluent limitation is defined as the maximum allowable discharge of a pollutant over a calendar day or an equivalent representative 24-hour period.			
2. The monthly average effluent limitation is defined for all parameters, except for pH, as the highest allowable average of daily discharges over a calendar month, calculated as the arithmetic mean of the effluent sample results collected during a calendar month. If only one sample is taken during a calendar month, then that sample result shall be the monthly average of daily discharges.			

<b>Table 2x – MONITORING AND REPORTING REQUIREMENTS</b>						
Parameter	Units	Sample Location	Sample Type	Sample Frequency	Report Frequency	Analytical Method <sup>1</sup>
Flow	gpd	Outfall 002A	Metered	Ongoing	Quarterly	N/A
pH <sup>1</sup>	SU	Outfall 002A	Grab	Daily	Quarterly	SM 4500H+B
Non-Polar Oil & Grease	mg/L	Outfall 002A	Grab	Quarterly	Quarterly	USEPA 1664
Total Suspended Solids	mg/L	Outfall 002A	Composite	Monthly	Monthly	SM 2540 D
Total Suspended Solids	lb/day	Outfall 002A	Calculated	Monthly	Monthly	SM 2540 D
5-Day Biochemical Oxygen Demand	mg/L	Outfall 002A	Composite	Monthly	Monthly	EPA 405.1
5-Day Biochemical Oxygen Demand	lb/day	Outfall 002A	Calculated	Monthly	Monthly	EPA 405.1
Notes on Monitoring and Reporting:						
1. Permittee shall report the high and low pH values for the reporting period based on field pH readings.						

## **2. Sampling and Analytical Procedures**

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 Code of Regulations (CFR) Part 136 or to the latest revision of Standard Methods for the Examination of Water and Wastewater (American Public Health Association), unless otherwise specified in this permit or approved in writing by the Sumner-Bonney Lake Joint Pretreatment Program (Control Authority).

## **3. Flow Measurement**

The Permittee must:

- a. Select and use appropriate flow measurement and field measurement devices and methods consistent with accepted scientific practices.
- b. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements in consistent with accepted industry standard and the manufacturers' recommendation for that type of device.
- c. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.
- d. Calibrate these devices at the frequency recommended by the manufacturer.
- e. Calibrate flow monitoring devices at a minimum frequency of at least one calibration per year.
- f. Maintain calibration records for at least three years.

## **4. Laboratory Accreditation**

The Permittee must ensure that all monitoring data required by the Control Authority is prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 Washington Administrative Code (WAC), Accreditation of Environmental Laboratories. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

## **PART II. SPECIAL CONDITIONS**

### **1. Accidental Discharge/Slug Discharge Control Plan.**

Permittee shall develop an Accidental Discharge/Slug Discharge Control Plan (AD/SDCP). Permittee shall implement and follow the approved AD/SDCP. The AD/SDCP shall include, at a minimum, the requirements in Pretreatment Regulations – Accidental Discharge/Slug Discharge Control Plans. The AD/SDCP shall be submitted to the JPP no later than 90 days from this permit's effective date. If, upon review, the Control Authority requires any additional content or changes, the Permittee will be required to incorporate the required content and resubmit the revised AD/SDCP to the JPP within 90 days of the date of receiving the Control Authority's comments.

Permittee shall immediately notify the JPP of any facility changes that affect the potential of slug discharges to the sanitary sewer.

### **2. Solvent Management Plan / Toxic Organic Management Plan (SMP/TOMP)**

A Solvent Management Plan (SMP) or Toxic Organic Management Plan (TOMP) is required in lieu of routine Total Toxic Organics (TTO) sampling, subject to approval by the Control Authority.

The SMP/TOMP shall describe procedures used to minimize or eliminate the discharge of toxic organic compounds to the sanitary sewer, including:

- An inventory of organic chemicals used or stored onsite;
- Storage, handling, and transfer practices;
- Waste handling and disposal procedures;
- Spill prevention and response measures; and
- Employee training related to organic chemical management.

Unless otherwise approved, the Permittee may be required to perform at least one round of TTO sampling and analysis to demonstrate compliance with applicable pretreatment standards prior to approval of a TTO monitoring waiver. Upon approval of the SMP/TOMP and any required baseline sampling, the Permittee may submit periodic certification statements in lieu of routine TTO monitoring, as allowed by applicable pretreatment regulations.

### **3. Operation and Maintenance (O&M) Manual**

The Permittee shall operate and maintain the pretreatment system at all times to ensure effective treatment and compliance with permit limits.

Operation and maintenance requirements include:

- Routine inspection and servicing of pretreatment system components;
- Timely replacement of filters, media, and worn components;
- Maintenance of adequate treatment capacity; and
- Proper management and disposal of pretreatment residuals.

Failure to properly operate and maintain the pretreatment system constitutes a permit violation.

The Permittee must prepare and submit to the JPP for review and approval annually. In addition to the requirements of WAC 173-240-150(1) and (2), the Operations & Maintenance (O&M) Manual must include:

- a. Emergency procedures for plant shutdown and cleanup in the event of pretreatment system upset, spill, failure, or demand by the Control Authority.
- b. Wastewater system maintenance procedures that contribute to the generation of process wastewater.

- c. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the pretreatment system.
- d. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.
- e. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
- f. Treatment plant process control monitoring schedule.
- g. Maintenance schedule for any pumps, treatment equipment and/or monitoring and sampling equipment.

**4. Best Management Practices**

The Permittee shall implement and maintain pollution prevention and best management practices (BMPs) to minimize the generation of pollutants in industrial wastewater and to prevent the introduction of prohibited substances into the sanitary sewer. These practices shall address, as applicable:

- Good housekeeping and material handling;
- Chemical and waste storage;
- Equipment maintenance and inspection;
- Management of solids, filters, and residuals generated by pretreatment operations; and
- Measures to prevent stormwater or non-process waters from contacting industrial materials.

Formal submittal of a separate Pollution Prevention Plan or Pollutant Management Plan is not required at issuance unless requested by the Control Authority. The Permittee shall make BMP documentation available for review during inspections.

**5. Engineering Report**

The Permittee must prepare and submit an approvable Engineering Report in accordance with WAC 173-240 to the JPP for review and approval once per permit cycle, or any time a substantial change to the pretreatment is proposed. If no change to the pretreatment system is intended during the permit cycle, the Permittee may submit a signed Certification of Accuracy of the previously approved Engineering Report. The Engineering Report must provide a detailed description of the pretreatment system capacity and treatment criteria, equipment specifications, tank capacities, materials used, and any necessary upgrades and/or modifications to achieve permit effluent limitation compliance.

**PART III. EMERGENCY NOTIFICATIONS**

**1. Spills, Accidental Discharges and Slug Loads**

In the event of a spill, accidental discharge, slug load discharge, pretreatment facility malfunction, or any other unauthorized discharge to the sanitary sewer system, the Permittee shall notify the JPP immediately, after it is safe to do so, as described in Section 2 of this Part III.

Reportable discharges include the following:

- a. Any unusual discharge that may cause problems to the Control Authority’s Publicly Owned Treatment Works or POTW of any Contributing Jurisdiction.
- b. Any spill or discharge that may cause the Permittee to violate permit limits.
- c. Any slug load discharge, defined in the Pretreatment Regulations.
- d. Any other discharge listed under the "General Prohibitions" and “Specific Prohibitions” of the Pretreatment Regulations.
- e. Any quantity of hazardous material listed as a “Priority Pollutant” by EPA in 40 CFR 401.15, unless specifically authorized in this permit.
- f. Any discharge resulting from a malfunction of the Permittee’s pretreatment facilities.
- g. Any discharge resulting from an Upset in the Permittee’s operations. Upsets are defined in Part VII.5. of this permit.

**2. Emergency Notification and Reporting Requirements**

For any condition described in this Part III, Section 1.(a) through (e), verbal notification shall be made immediately to the Sumner Wastewater Treatment Facility and the City of Sumner, and within 24 hours to the Joint Pretreatment Program. Their number and hours are as follows:

Office	Phone #	Hours
Sumner Wastewater Treatment Facility	(253) 299-5760	24 hours/day
WWTF On-Call	(253) 299-5766	7 days/week

The Permittee shall also initiate the following steps:

- a. Take immediate action to correct the effects of and to minimize any of the conditions listed in this Part III Section 1.(a) through (e).
- b. At the Permittee's expense, repair the cause and resultant damage of the undesirable discharge.
- c. Submit written notification to the JPP within 5 days of the occurrence. This report shall describe the nature of the incident, corrective action taken and /or planned, and steps taken to prevent further occurrences. Reports shall be submitted to:

City of Sumner Public Works Department  
ATT: Sumner- Bonney Lake Joint Pretreatment Program  
1104 Maple Street  
Sumner, WA 98390

**PART IV. SELF-MONITORING AND JPP SAMPLING NON-COMPLIANCE RESPONSE**

**1. Responsibility**

The Permittee is responsible for testing and observing its effluent, and for ensuring that it complies with the effluent limits and other conditions of this permit. This compliance, however, does not relieve the Permittee from liability for any failure to comply with any specific rules or regulations.

**2. Response When Non-Compliance is Detected from Self-Monitoring**

If the non-compliance is indicated from on-site continuous or real-time monitoring of a discharge, the Permittee shall make notifications as required in Part III. of this permit.

If other self-monitoring data shows non-compliance, the Permittee shall take the following steps:

- a. Take immediate action to stop the cause of non-compliance.
- b. Verbally notify the JPP within 24 hours of becoming aware of the non-compliance. Notification shall be made immediately to the Sumner Wastewater Treatment Facility and the City of Sumner. Their number and hours are as follows:

Sumner Wastewater Treatment Facility	(253) 299-5760	24 hours/day
WWTF On-Call	(253) 299-5766	7 days/week

- c. Repeat the sampling and analysis procedures. The results of this sampling and analyses shall be submitted to the JPP within 30 days after becoming aware of the violation.
- d. Submit written notification to the JPP within 5 days of becoming aware of the non-compliance. This report shall describe the nature of the incident, corrective action taken and /or planned, and steps taken to prevent further occurrences. Reports shall be submitted to:

City of Sumner Public Works Department  
ATT: Sumner- Bonney Lake Joint Pretreatment Program  
1104 Maple Street  
Sumner, WA 98390

**3. Response When Non-Compliance is Detected by JPP Sampling**

If non-compliance is detected from the JPP’s sampling and analysis of the Permittee’s effluent, the Permittee shall take the following steps:

- a. Take immediate action to stop the cause of non-compliance.
- b. Repeat the sampling and analysis procedures. The results of this sampling and analyses by the JPP shall be submitted to the JPP within 30 days after becoming aware of the violation.
- c. Submit written notification to the JPP within 5 days of becoming aware of the non-compliance. This report shall describe the nature of the incident, corrective action taken and /or planned, and steps taken to prevent further occurrences. Reports shall be submitted to:

City of Sumner Public Works Department  
ATT: Sumner- Bonney Lake Joint Pretreatment Program  
1104 Maple Street  
Sumner, WA 98390

## **PART V. REQUIRED REPORTS AND NOTIFICATIONS**

### **1. Self-Monitoring Reports**

The first monitoring period begins on the effective date of the permit. The Permittee is responsible for collecting required samples of its discharges, and for providing self-monitoring reports to the JPP.

Reports shall consist of sampling results on all pollutants listed in Part I of this permit. All sampling data collected by the Permittee shall be reported to the JPP at the following address:

City of Sumner Public Works Department  
ATT: Sumner- Bonney Lake Joint Pretreatment Program  
1104 Maple Street  
Sumner, WA 98390

- a. If the Permittee monitors any pollutant more frequently than required by this permit at the designated sample location, using the analytical procedures and methods specified in this permit, then the results of the monitoring shall be included in the compliance report.
- b. Self-monitoring reports shall be submitted whether or not the facility was discharging during the monitoring period. If there was no discharge during a given monitoring period, the Permittee shall submit the report as required and indicate "no discharge" in place of the discharge monitoring results.

### **2. Changes in Discharge Characteristics/Changes in Hazardous Wastes/Notification of New Hazardous Wastes**

- a. The Permittee shall provide written notification to the JPP Industrial Pretreatment Coordinator at least 30 days prior to:
  - i. Introducing new wastewater or pollutants, changing manufacturing operations, or causing significant changes in the volume or characteristic of the wastewater being discharged. This notification requirement also applies to any changes in discharge of the listed or characteristic RCRA hazardous wastes for which the Permittee has submitted the initial notification under 40 CFR 403.12(p).  
**The Permittee shall send the JPP written notice, including reports and engineering plans, at least 30 days before making these types of changes. No such changes shall be made without JPP notification, approval, and where required, permit revision.**
  - ii. Discharging waste streams not listed in the permit application. This includes wastewater from extraordinary maintenance activities, from changes due to improvements or revisions to processes, or from any activity not disclosed on the permit application.  
If the proper notification is given, and if written permission is given by the Control Authority, the discharge may be allowed without requiring permit revision.
- b. Whenever the U.S. EPA publishes new final rules that identify either additional hazardous wastes, or new characteristics of existing hazardous wastes subject to 40 CFR Part 261, any affected user must notify the JPP, U.S. EPA, and Washington Department of Ecology if any

of these wastes are discharged to any Publicly Owned Treatment Works served by the WWTF. The notification must occur within 90 days of the effective date of the published regulation.

- c. Bypass - A bypass is defined as any intentional diversion of any waste stream from any part of the Permittee's pretreatment facility. Criteria for bypass are further explained in Paragraph 20 of Part VII - Standard Conditions. If the Permittee knows in advance that it will need to bypass, or if a bypass has already occurred, it shall take the following actions:
- i. Submit written notice to the JPP at least ten days before the date of the anticipated bypass, when possible; or
  - ii. Verbally notify the JPP of any unanticipated bypass within 24 hours of the time the Permittee becomes aware of the bypass. Written notice shall then be made to the JPP within five days after the occurrence. This report shall meet the requirements of Part III Section 2 of this permit.

### **3. All Violations of this Permit and the Pretreatment Regulations**

Any upset or noncompliance experienced by the Permittee's pretreatment facility or operations that causes a violation, whether of these permit limits or the regulations of the Pretreatment Regulations, shall be reported immediately to the JPP. The Permittee shall take immediate action to correct the cause of the violation, and to mitigate the effect of unauthorized discharges into the sanitary sewer system.

## **PART VI. ANNUAL PUBLICATION OF SIGNIFICANT NON-COMPLIANCE**

1. Any violation of pretreatment requirements or standards (effluent limits, sampling requirements, reporting, meeting compliance schedules and regulatory deadlines) is an instance of non-compliance for which the Permittee is liable for enforcement, including penalties. However, there is a special need to identify patterns of violations that are instances of Significant Non-Compliance (SNC). SNC classifications allow the Control Authority to establish priorities for formal enforcement actions.

- a. SNC is defined in Pretreatment Regulations, and currently includes all industrial user violations which meet one or more of the following criteria:
  - i. Any violation of a pretreatment standard or requirement including numerical limits, narrative standards, and prohibitions, that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.
  - ii. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge.
  - iii. Any violation(s), including of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.
  - iv. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a rolling six (6) month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits of Part 3 of the Pretreatment Regulations.
  - v. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, (including instantaneous limits, as defined by the Pretreatment Regulations), multiplied by the applicable criteria. Applicable criteria are 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH.
  - vi. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
  - vii. Failure to provide any required report within forty-five (45) calendar days after the due date. This includes initial and periodic monitoring reports, and reports on initial compliance and on meeting compliance schedules.
  - viii. Failure to accurately report noncompliance.
- b. **APPLICABILITY:** The criteria in Sections (1-3) of this Part are applicable to all Users, whereas the criteria in Sections (4-8) of this Part are only applicable to Significant Industrial Users and Categorical Industrial Users.
- c. The Control Authority is required to publish an annual list of all industries in SNC that have met the criteria of 40 CFR Part 403 in the previous 12 months. This list will be published in the Enumclaw Courier-Herald or another newspaper of general circulation that provides meaningful public notice.

## **PART VII. STANDARD CONDITIONS**

### **1. Prohibited Discharges**

The Permittee shall comply with all general and specific discharge prohibitions listed in the Pretreatment Regulations (SMC 13.18).

### **2. Right of Entry**

The Permittee shall allow the JPP and/or its authorized representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties related to determining compliance with the Pretreatment Regulations and this permit. Reasonable hours for any of these activities include normal business hours and any time that the Permittee is discharging to the sanitary sewer system.

### **3. Recordkeeping**

The Permittee shall retain records for all monitoring required by this permit and for any additional monitoring which could be used to satisfy minimum monitoring requirements. The Permittee must make these records available for inspection and copying at the location of the discharge. The Permittee must similarly maintain documentation associated with any Best Management Practices required in this permit.

d. Monitoring records shall include at least:

- ix. The time, date, and place of sampling
- x. The sampling and preservation methods used
- xi. The names of person taking the sample and persons with control of the sample prior to analysis
- xii. The name of the person performing the analyses and the date the analysis was completed
- xiii. The analytical techniques or methods used
- xiv. The results of analysis

The Permittee is encouraged to retain quality control and quality assurance information provided by the laboratory and submit this information in routine reporting.

- e. For analytes for which this permit requires use of a certified/accredited laboratory, the Permittee must maintain the scope of accreditation for laboratories performing any analyses for them.
- f. The Permittee shall maintain the above records for at least three (3) years.
- g. All records that pertain to matters that are the subject of special orders, other enforcement, and/or litigation activities brought by the JPP shall be retained by the Permittee. All such records shall be preserved until all activities have concluded, and all periods of limitation for any and all appeals have expired.

### **4. Confidential Information**

Except for data which has been determined to be confidential in accordance with the Pretreatment Regulations, all reports required by this permit shall be available for public inspection.

## 5. Upsets

- a. An Upset means an exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Permittee. An Upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An Upset shall constitute an affirmative defense to punitive actions in response to non-compliance with Categorical Pretreatment Standards (but not JPP local limits), when the requirements of Section 5.(a) of this Part are met.
- c. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An Upset occurred and the Permittee can identify the cause(s) of the Upset.
  - ii. The facility was at the time being operated in a prudent and workman-like manner and was in compliance with applicable operation and maintenance procedures.
  - iii. Where the Upset involved reduction, loss, or failure of its treatment facility (e.g. a power failure), the Permittee controlled production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards until the facility was restored or an alternative method of treatment was provided.
  - iv. The Permittee notified the JPP within (24) twenty-four hours of becoming aware of the Upset. When initially provided verbally, the Permittee must have provided a written report within five (5) days that includes:
    - (a) A description of the indirect discharge and cause of non-compliance;
    - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- d. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an Upset shall have the burden of proof.

## 6. Test Procedures

All pollutant sampling and analyses required in this permit shall conform to the most current version of 40 CFR Part 136, unless otherwise approved by the Control Authority or specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for a pollutant, or the Control Authority determines that the Part 136 sampling and analytical techniques are inconsistent with the goal of the sampling, the Control Authority may specify an analytical method. If neither case applies, the Permittee shall use validated analytical methods or applicable sampling and analytical procedures approved by EPA.

## 7. Representative Sampling

Samples and measurements taken to meet the requirements of this permit shall be representative of the range of conditions occurring during the reporting period.

This requirement also applies to representative samples of any unusual discharge or discharge condition. Such conditions may include bypasses, upsets, and maintenance related conditions, or any other conditions that affect effluent quality.

All samples must be collected and preserved in accordance with 40 CFR Part 136 and amendments.

#### **8. Dilution**

The Permittee shall never increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable Pretreatment Standard or requirement. Increasing the use of potable or process water in order to reduce discharge pollutant concentrations is prohibited.

#### **9. Proper Disposal of Pretreatment Sludge and Spent Chemicals**

Sludge and spent chemicals generated by the Permittee shall be disposed of in accordance with the Clean Water Act, Section 405; Subtitles C and D of the Resource Conservation and Recovery Act; and any state and local hazardous waste requirements.

Applicable state regulations include Chapter 173-303 WAC, “Dangerous Waste Regulations” and Chapter 173-304, “Minimum Functional Standards for Solid Waste Handling”.

#### **10. Signatory Requirements**

- a. All compliance monitoring reports, including self-monitoring reports, submitted to the JPP shall be signed as follows:
  - i. If the Permittee is a corporation, by a responsible corporate officer. For the purposes of this paragraph, a responsible corporate officer means:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - ii. If the Permittee is a partnership or sole proprietorship, a general partner or proprietor, respectively.
  - iii. If the Permittee is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- b. The individuals described in Section (a) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the JPP.
- c. Changes to authorization. If an authorization under paragraph (b) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the JPP prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a periodic compliance report 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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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."*

## **11. Revocation of Permit**

The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, when the Permittee has:

- a. Failed to notify the Director of significant changes to the wastewater prior to the changed discharge.
- b. Failed to provide prior notification to the Director of changed conditions pursuant to the Pretreatment Regulations.
- c. Misrepresented or failed to fully disclose all relevant facts in the wastewater discharge permit application.
- d. Falsified self-monitoring reports or tampered with monitoring equipment.
- e. Refused to allow the Director timely access to the facility premises and records.
- f. Failed to meet effluent limitations or permit conditions.
- g. Failed to pay applicable fines or sewer charges.
- h. Failed to meet compliance schedule deadline dates.
- i. Failed to complete a wastewater survey or wastewater discharge permit application.
- j. Failed to provide advance notice of the transfer of business ownership.
- k. Violated any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the Pretreatment Regulations.
- l. Ceased operations.
- m. Transferred business ownership.

## **12. Limitation on Permit Transfer**

Any wastewater discharge permit is issued to a specific Permittee for a specific operation and is not transferable, either to another user or another location, without the prior written approval of the Control Authority.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. The notice to the Director must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Sale of a Permittee's business shall obligate the purchaser to seek written Control Authority approval prior to continuing discharging to the sanitary sewer system served by the Sumner WWTF.

## **13. Falsifying Information or Tampering with Monitoring Equipment**

The act of knowingly making any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Pretreatment Regulations, this permit, or an issued compliance order; or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required under this permit will subject the Permittee to civil penalties and relief, and may result in criminal punishment.

In addition, the Permittee shall be subject to: 1) the provisions of the 18 U.S.C. Section 1001 relating to fraud and false statement; 2) the provisions of Sections 309(c)2 of the Clean Water Act, as amended governing false statements, representation or certification; 3) the provision of Section 309(c)(6) regarding responsible corporate officers.

## **14. Modification or Revision of the Permit**

The Director may modify a wastewater discharge permit or other control document for good cause, including, but not limited to, any of the following reasons:

- a. To incorporate any new or revised federal, state, or local Pretreatment Standards or requirements including new or revised local limits.
- b. To address new or changed operations, processes, production rates, waste streams, or changes in water volume or character.
- c. To reflect conditions at the POTW requiring an authorized discharge to be reduced or curtailed. Such requirements may be either temporary or permanent.
- d. Based on information that indicates a permitted discharge poses a threat to the POTW served by the WWTF or staff, the receiving waters, or to violate a prohibition of the Pretreatment Regulations.
- e. To address violations of any terms or conditions of this permit.

- f. To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- g. To incorporate revisions based on a variance from Categorical Pretreatment Standards approved pursuant to 40 CFR Part 403.13.
- h. To correct typographical or other errors in this permit.
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator as required under Section 13 of this Part.

**15. Duty to Reapply**

The Permittee is required to reapply for a new permit, using JPP supplied forms, no later than 120 days prior to the expiration date of the permit.

**16. Severability**

If any provision, paragraph, word, section, or part of this permit is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected, and will continue in full force and effect.

**17. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any invasion of personal rights, or any infringement of federal, state or local regulations.

**18. Operation**

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment and control that are installed or used by the Permittee to achieve compliance with the conditions of this permit.

The Permittee shall control production, and/or discharges to the extent necessary to maintain compliance with the terms and conditions of this permit in the event of either reduction, loss, failure, or bypass of the treatment facility until the facility has been restored, or an alternate method of treatment has been provided. This provision requires the operation of back-up or auxiliary facilities only when necessary to achieve compliance with the terms and conditions of this permit.

**19. Bypass**

- a. For the purposes of this permit:
  - i. Bypass means the intentional diversion of waste streams from any portion of the Permittee's treatment facility.
  - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

The Permittee may be authorized to allow a bypass to occur if it does not cause pretreatment standards or requirements to be violated and is for essential maintenance to assure efficient operation.

- b. Any other bypass must meet the following requirements:
  - i. The Permittee knowing in advance of the need for a bypass must submit prior notice to the Director, at least ten (10) days before the bypass whenever possible; and
  - ii. The Permittee must verbally notify the JPP of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours of becoming aware of the bypass. The Permittee must provide a written follow-up report within five (5) days. The Director may waive the written report if the verbal report was timely and complete. Unless waived, the written report must contain:
    - (a) A description of the bypass (volume, pollutants, etc.);
    - (b) What caused the bypass;
    - (c) When, specifically, the bypass started and ended;
    - (d) When the bypass is expected to stop (if ongoing); and
    - (e) What steps the Permittee has taken or plans to take to reduce, eliminate, and prevent the bypass from reoccurring.
- c. Bypass is prohibited, and the Control Authority may take an enforcement action against the Permittee for a bypass, unless:
  - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii. The Permittee submitted notices as required under the Pretreatment Regulations.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Section 20.(c)(1) through (3) of this Part.

## **20. Violations of Terms and Conditions**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit and the Pretreatment Regulations.

Unless authorized in writing by the Director, the discharge of any pollutant more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Unless authorized otherwise in writing by the Director, failure to follow Best Management Practices as required in this permit, including failure to properly report and maintain records, shall constitute a violation of the terms and conditions of this permit.

## **21. Compliance with Other Regulations**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local laws, statutes, regulations, or ordinances.

## **22. Enforcement**

The Control Authority may seek any or all of the remedies or penalties (including civil and judicial action) provided in the Pretreatment Regulations., including recovery of costs incurred by the Control Authority, in response to the following:

- a. Any violation by the Permittee of the provisions of this permit.
- b. Any violation by the Permittee of the provisions of the Pretreatment Regulations.
- c. Any violation by the Permittee of any order of the Control Authority with respect to provisions set forth in this permit or the Pretreatment Regulations.

The range of severity of remedial actions taken against the Permittee will be determined by, but not limited to, the nature, duration and frequency of the violation or violations, as provided in the JPP's approved Enforcement Response Plan.

## **23. Right to Appeal Determination of Status**

The Permittee shall have the right to an administrative hearing to appeal the Control Authority's determination to take the following actions, or any other action described in the Pretreatment Regulations.

1. Issue or deny a User's wastewater discharge permit or other control document;
2. Impose particular conditions or requirements in the Permittee's wastewater discharge permit or other control document.

The Permittee shall follow the procedures described in the Pretreatment Regulations – Administrative Hearing if it pursues such an appeal.

## **24. Permits Duration**

All Wastewater Discharge Permits shall be issued for a period not to exceed five years, subject to amendment or revocation as provided in the Pretreatment Regulations. Each permit will indicate its expiration date.