

WAC 173-216-030

(8)"Industrial wastewater" means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities (Submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).
<http://app.leg.wa.gov/WAC/default.aspx?cite=173-216-030>

3.5.2. New Source Performance Standards for Production Increases

Federal effluent guidelines allow a permit writer to grant an increase in pollutant discharge for production increases because the guidelines are production-based. The new source performance standards in federal regulations are more stringent than standards for existing source because new facilities can take advantage of new treatment methods and equipment and incorporate these into the design of the facility. In 1985 the Industrial Section issued a permit to Weyerhaeuser, Longview pulp mill complex which includes R-W Paper and NORPAC. The permit writer used new source performance standards to derive effluent limits for the 150 tons per day production increase at NORPAC and the 100 tons per day at R-W Paper and used AKART as the basis. Ecology argued that given the cost and planning required for anything except a marginal increase in production, a facility should also be planning and investing in its waste treatment to accommodate production increases. In this case the company did not have to make any capital investment to meet the new effluent limitations. The appellant Weyerhaeuser argued that the AKART standard was too uncertain. The PCHB found that the limits were "more stringent than federally required, but 'reasonable' as a matter of state law." As a general policy, wasteload increases greater than 10% at facilities with applicable effluent guidelines should be considered as new source loading when defining effluent limitations.

In the Water Resources Act of 1971, Chapter 90.54 RCW, section 020 (3)(b) states, "Waters of the state shall be of high quality. **Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served.**" This section of 90.54 continues on with technology-based treatment exemptions for wastewater discharges from municipal water treatment plants on the Chehalis, Columbia, Cowlitz, Lewis, and Skagit Rivers. This law explicitly states that AKART is required even if it results in more stringent treatment than required to meet water quality standards. This is the basic philosophical approach found in the Clean Water Act. Chapter 90.54 also contains the caveat not found in other statutes of an exemption for, "overriding consideration of the public interest."

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