## STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

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| IN THE MATTER OF AN AGREED ORDER RE:Vader Wastewater Treatment Facility  | AGREED ORDER No. \_\_\_\_\_\_\_\_\_\_\_\_ |

TO: Mayor Joe Schey

 Vader Wastewater Treatment Facility

 1025 A Street

 Vader WA, 98593

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To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email ecyadacoordinator@ecy.wa.gov, or visit https://ecology.wa.gov/accessibility. For Relay Service or TTY call 711 or 877-833-6341**.**

## INTRODUCTION

The mutual objective of the Washington State Department of Ecology (Ecology) and Vader Wastewater Treatment Facility (Facility) under this Agreed Order (Order) is to authorize new or amended biosolids management activities from September 5, 2020, to the date upon which the Facility obtains final approval of coverage under the next Statewide General Permit for Biosolids Management. This Order is needed to authorize activities because a current permit is not in place to allow such activities. This Order requires the Facility to comply with state rules and requirements for biosolids management, payment of associated fees, and outlines consequences for non-compliance.

This Order is for the business/facility/site known as:

Vader Wastewater Treatment Facility ;

located at (address, legal description, parcel(s)):

1025 A Street, Vader WA, 98593

## JURISDICTION

This Order is issued pursuant to Chapter 70A.226 of the Revised Code of Washington (RCW) Municipal Sewage Sludge—Biosolids.

## PARTIES BOUND

This Order shall apply to, and be binding upon, the Parties to this Order. The undersigned representative of each party hereby certifies that he or she is authorized to enter into this Order, and to execute and legally bind such party to comply with this Order.

## DEFINITIONS

For the purpose of this Order:

*Facility*: Refers to Vader Wastewater Treatment Facility

*Party/Parties*: Refers to the Washington State Department of Ecology and Vader Wastewater Treatment Facility

*Agreed Order or Order*: Refers to this Order and includes all appendices to this Order, which are integral and enforceable parts of this Order.

## TERMS AND CONDITIONS

### General Permit Content Adoption

Parties agree to adopt with this Order the content and all applicable requirements of the Statewide General Permit for Biosolids Management issued on August 5, 2015 (General Permit), which expired on September 4, 2020.

### Compliance

Facility agrees to comply with Chapter 70A.226 RCW, Chapter 173-308 of the Washington Administrative Code (WAC), this Order, and the content and applicable requirements of the General Permit.

Facility agrees to comply with plans and other pertinent documents approved under this Order, including any additional or more stringent requirements Ecology requires as a condition for entering into this agreement.

Both parties acknowledge that the following plans and operating documents are incorporated as conditions of this order by reference:

#### Table : Additional Documents

| Plan or Other Document | Date and Version | Comments |
| --- | --- | --- |
| Additional and More Stringent Conditions | 04/2021 | Appendix A |
| Vader Sampling and Analysis Plan | 04/2021 | Appendix B |
| Note to File Regarding State Environmental Policy Act (SEPA) Threshold Determination | 02/01/2021 | Appendix C |
| Vader Spill Prevention and Response Plan | 04/2021 | Appendix D |
| Planned Vader Facility Schematic | 01/2021 | Appendix E |

### State Environmental Policy Act

Ecology has determined that all requirements under Chapter 197-11 WAC, State Environmental Policy Act (SEPA) have been satisfied.

### Public Notice

The Facility has provided public notice of its intention to initiate the activities authorized by this agreed order in the same manner as would be required for an application for new or expanded permit coverage under WAC 173-308-310.

### Coverage under the next Statewide General Permit

Unless an extension is granted under WAC 173-308-310(4), facility agrees to submit the associated permit application and other required documentation to Ecology within 90 days of the effective date of the next Statewide General Permit for Biosolids Management,.

### Fees

Facility has paid Ecology a facility review fee of $2868.28 as a pre-condition of Ecology’s signature of this order.

Facility agrees to pay an annual biosolids fee to Ecology according to the current permit fee schedule.

## ENFORCEMENT

If Facility violates any provision of this order, it is subject to enforcement pursuant to 70A.226 RCW and Chapter 173-308 WAC. Ecology may bring an action at law or in equity, including injunctive relief, to enforce this order. Willful violation of this order is a gross misdemeanor punishable by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment for up to three hundred sixty-four days, or both. In addition to any other penalty provided by law, a person who violates this chapter or rules or orders adopted or issued pursuant to it shall be subject to a penalty in an amount of up to five thousand dollars a day for each violation. Each day of violation is a separate violation. An act of commission or omission that procures, aids, or abets in the violation is considered a violation.

##  APPEALS

Any person with standing (Appellant), other than the Facility, may appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt. “Date of receipt” is defined in RCW 43.21B.001(2). The appeal process is governedby Chapter 43.21B RCW and Chapter 371-08 WAC.

Appellant must file the appeal and a copy of this Order with the PCHB (see addresses below) within 30 days of the date of receipt of this Order. Filing means actual receipt by the PCHB during regular business hours.

Appellant must serve a copy of the appeal and this Order on Ecology in paper form by mail, commercial parcel delivery service, or in person (see addresses below). E-mail is not accepted. Please note that Ecology offices may be closed to walk-in service due to COVID-19 outbreak, but mail and commercial parcel delivery services is still being received. Service is complete upon deposit in the United States mail properly stamped and addressed. Service by commercial parcel delivery service is regarded as complete upon delivery to the parcel delivery company with charges prepaid.

Appellant must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

#### Figure 1: Address and Location Information

**Street Addresses**

**Department of Ecology**

Attn: Appeals Processing Desk

300 Desmond Drive SE

Lacey, WA 98503

**Pollution Control Hearings Board**

1111 Israel Rd SW

STE 301

Tumwater, WA 98501

**Mailing Addresses**

**Department of Ecology**

Attn: Appeals Processing Desk

PO Box 47608

Olympia, WA 98504-7608

**Pollution Control Hearings Board**

PO Box 40903

Olympia, WA 98504-0903

## EFFECTIVE DATE

This Order shall be binding and take effect on the date it is executed and signed by the Parties. This Order shall remain in effect until Facility obtains final approval of coverage under the next General Permit.

Effective Date: \_Click or tap here to enter text.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Vader Wastewater Treatment Facility

Facility Responsible Official

Date: Click or tap here to enter text.

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Regional Section Manager

Date:Click or tap here to enter text.

## APPENDICES