

Proposed Change to WAC 463-76-062

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Modification of NPDES permit.

(1) After notice and opportunity for a public hearing, any permit issued under the NPDES can be modified, (~~suspended or~~) revoked in whole or in part, or terminated during its term for cause including, but not limited to, the causes listed in WAC [463-76-055](#)(2).

(2) The council may, upon request of a permittee, revise or modify a schedule of compliance in an issued NPDES permit if the council determines good and valid cause exists for such revision and if within thirty days following receipt of notice from the council, the regional administrator does not object in writing.

(3) Any such modifications which lessen the stringency of effluent limitations shall be executed by the council and the permittee in the same manner as the NPDES permit was executed, including full compliance with the requirements of WAC [463-76-041](#), [463-76-042](#) and [463-76-043](#). In all other instances, the form of public notice and public participation, if any, shall be determined by the council on a case-by-case basis according to the significance of the proposed action.

Effect of proposed rule amendment:

The proposed change would make EFSEC's NPDES permit modification rule consistent with Ecology's NPDES permit modification rule (WAC 173-220-190). This establishes a major vs minor modification distinction in EFSEC's rule, which has been part of Ecology's program since at least 1988. Small technical adjustments can be made in a much quicker and less expensive manner.

Federal regulation (40 CFR 122 Subpart D Secs. 122.61-64) also does not provide for the suspension of NPDES permits, but does recognize that they can be terminated. These changes to subsection (1) make the EFSEC regulation consistent with federal regulation.