



The Bridge: Agreed Orders

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Authority to Issue Orders

- State Water Pollution Control Law (Chapter 90.48 RCW)
- RCW 90.48.120:
 - ‘Whenever Ecology deems immediate action necessary to accomplish the purposes of this chapter...



Authority to Issue Orders

- RCW 90.48.120:
 - ‘...it may issue such order or directive, as appropriate under the circumstances...’
- May be appealed



What is an Agreed Order?

- Agreed upon by Ecology and company before issuance
- Cannot be Appealed by the company
- Can be Appealed by third parties



Boilerplate Outline

- INTRODUCTION
- RECOGNITION OF ECOLOGY'S JURISDICTION
- FINDINGS OF FACT
- CORRECTIVE ACTIONS [or COMPLIANCE SCHEDULE]
- PROGRESS REPORTING
- STIPULATED PENALTIES [optional]
- AMENDMENTS TO THE AGREED COMPLIANCE SCHEDULE [optional]
- EFFECTIVE DATE
- TERMINATION OF THE AGREED ORDER
- DISPUTE RESOLUTION
- ENFORCEMENT
- THIRD PARTY RIGHT TO APPEAL



Agreed Order Elements – Tools for Permitting

- Maintain the Dissolved Oxygen TMDL compliance schedule (adjustments may be necessary)
- Continue source reduction of PCBs and participation in the Spokane River Regional Toxics Task Force (SRRTTF)



Agreed Order Elements – Tools for Permitting

- Technology and economic analysis to meet end of pipe limit
- Include EPA's Permitting Requirements for Spokane River
- Pollutant Minimization Plan (PMP)



Agreed Order Elements – Tools for Permitting

- List and schedule of proposed actions (operational & treatment) to reduce PCBs
 - Treatment may include upgrades based on results from technology and feasibility analysis
- Estimate for improving effluent concentrations over time



Agreed Order Elements – Tools for Permitting

- Others still being developed...
 - Pollutant assessment for all PCB sources to river
 - Estimate whether (where or when) criteria can be met in the river
 - Additional requirements to support tools for permitting

