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…’
• 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