

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

- I. Effluent Limitations and Monitoring Requirements
 - A. Outfall 001
 - B. Outfall 001 after routing of "dangerous" wastes to TEDF
 - C. Outfall 003
 - D. Outfall 004
 - E. Mixing Zone
 - F. Biomonitoring Program Requirements
 - G. Outfall Evaluation
 - H. Quality Assurance and Quality Control Plan
 - I. Definitions

- II. Monitoring, Recording and Reporting Requirements
 - A. Representative Sampling
 - B. Monitoring Procedures
 - C. Reporting of Monitoring Results
 - D. Additional Monitoring by the Permittee
 - E. Records Content
 - F. Retention of Records
 - G. Twenty-four Hour Notice of Noncompliance Reporting
 - H. Other Noncompliance Reporting
 - I. Inspection and Entry
 - J. Compliance Schedules

- III. Compliance Responsibilities
 - A. Duty to Comply
 - B. Penalties for Violations of Permit Conditions
 - C. Need to Halt or Reduce Activity not a Defense
 - D. Duty to Mitigate
 - E. Proper Operation and Maintenance
 - F. Removed Substances
 - G. Bypass of Treatment Facilities
 - H. Upset Conditions
 - I. Toxic Pollutants

- IV. General Requirements
 - A. Changes in Discharge of Toxic Substances
 - B. Planned Changes
 - C. Anticipated Noncompliance
 - D. Permit Actions
 - E. Duty to Reapply
 - F. Duty to Provide Information
 - G. Other Information
 - H. Signatory Requirements
 - I. Availability of Reports
 - J. Oil and Hazardous Substance Liability
 - K. Property Rights
 - L. Severability
 - M. Transfers
 - N. State Laws

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Outfall 001

During the period beginning on the effective date of this permit, and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001 to the Columbia River at approximate River Mile (R.M.) 345.5, subject to the following limitations and monitoring requirements.

1. Such discharge shall be limited as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS^{1/}</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Avg.</u> <u>ug/l</u>	<u>Monthly Avg.</u> <u>lb./day</u>	<u>Daily Max.</u> <u>ug/l</u>	<u>Daily Max.</u> <u>lb./day</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
Flow-mgd	-	-	-	-	Continuous	Recording
Bis(2-ethylhexyl)phthalate	10	0.036	20	0.072	Biweekly	Grab
Dichlorobromomethane	2.2	0.0079	4	0.0156	Biweekly	Grab
Methylene Chloride	5	0.018	10	0.036	Biweekly	Grab
Toluene	6	0.0216	9	0.0351	Biweekly	Grab
1,1,1,-Trichloroethane	5	0.018	9	0.0351	Biweekly	Grab
Trichloroethylene	1.9	0.0068	3	0.0117	Biweekly	Grab
Chloroform	15	0.0468	26	0.0858	Biweekly	Grab
1,1-Dichloroethane	4.7	0.0169	7	0.0273	Biweekly	Grab
Tetrachloroethylene	5	0.0180	9	0.0351	Biweekly	Grab
Aluminum (Al)	215	0.7743	372	1.4514	Biweekly	Grab
Arsenic (As)	5	0.018	9	0.0351	Biweekly	Grab
Beryllium (Be)	2	0.0072	4	0.0156	Biweekly	Grab

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS^{1/}</u>				<u>MONITORING REQUIREMENTS</u>	
	Monthly Avg.	Monthly Avg.	Daily Max.	Daily Max.	Measurement	Sample
	<u>ug/l</u>	<u>lb./day</u>	<u>ug/l</u>	<u>lb./day</u>	<u>Frequency</u>	<u>Type</u>
Cadmium (Cd)	2	0.0072	4	0.0156	Biweekly	Grab
Copper (Cu)	10	0.036	15	0.0585	Biweekly	Grab
Cyanide (Cn)	6	0.0216	10	0.039	Biweekly	Grab
Iron (Fe)	846	3.0469	1460	5.6965	Biweekly	Grab
Lead (Pb)	4	0.0144	8	0.0312	Biweekly	Grab
Manganese (Mn)	10	0.036	17	0.0663	Biweekly	Grab
Mercury (Hg)	0.9	0.0032	1.5	0.0059	Biweekly	Grab
Nickel (Ni)	35	0.126	60	0.2341	Biweekly	Grab
Nitrite (NO ₂ ⁻)	60	0.2161	104	0.4058	Biweekly	Grab
Selenium (Se)	5	0.018	7	0.0273	Biweekly	Grab
Silver (Ag)	6	0.0216	10	0.039	Biweekly	Grab
Zinc (Zn)	25	0.09	43	0.1677	Biweekly	Grab
Radium, Total (pCi/l)	0.2	-	0.4	-	Biweekly	Grab
Suspended Solids (TSS)	3000	11	9000	35	Biweekly	Grab
Temperature °F (°C)	95 (35)	-	105 (40.6)	-	Continuous	Recording
Total Ammonia (as N)	-	-	-	-	Biweekly	Grab
Gross Alpha (pCi/l) ^{2/}	-	-	-	-	Biweekly	Grab
Gross Beta (pCi/l) ^{2/}	-	-	-	-	Biweekly	Grab

2. Whole effluent toxicity testing requirements are established in section 1.F of this permit.
 3. The pH shall not be less than 6.0 nor greater than 9.0 standard units, and shall be monitored continuously during discharge.
 4. There shall be no discharge of floating solids or visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
 5. Samples taken in compliance with the monitoring requirements shall be taken at the following location: In the effluent flow from the EF-T-10 Effluent Tank at the point of Effluent Tank overflow to the river outfall prior to discharge into the Columbia River
 6. Waste influent flow to the TEDF shall also be monitored and recorded on a daily basis. Submittal of this flow data is not required unless requested by the permit issuing authority.
 7. The arsenic and metal samples shall be analyzed on an individual "total recoverable" parameter basis.
 8. The permittee shall clearly indicate on the DMR which set of effluent limitations (either 1.A.1 or 1.B.1.) apply during the monthly reporting period.
 9. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
- B. Outfall 001 after routing of wastes designated as "dangerous" to TEDF pursuant to WAC 173-303-071(3)(b).

Effective for the month(s) that TEDF receives and treats "dangerous" wastes in amounts that cause the estimated feed characteristics of the influent wastestream to exceed 8 times the MDL^{2/} for a limited metal constituent or 2 times the MDL^{2/} for a limited organic constiutuent, the permittee is authorized to discharge from Outfall 001 to the Columbia River at approximate River Mile (R.M.) 345.5, subject to the following limitations and monitoring requirements.

1. Such discharge shall be limited as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS^{1/}</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Avg.</u> <u>ug/l</u>	<u>Monthly Avg.</u> <u>lb./day</u>	<u>Daily Max.</u> <u>ug/l</u>	<u>Daily Max.</u> <u>lb./day</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
Flow-mgd	-	-	-	-	Continuous	Recording
Bis(2-ethylhexyl)phthalate	50	0.18	100	0.39	Biweekly	Grab

Dichlorobromomethane	3	0.0108	5	0.0195	Biweekly	Grab
Benzene	50	0.18	100	0.39	Biweekly	Grab
Carbon Tetrachloride	50	0.18	100	0.39	Biweekly	Grab
Toluene	50	0.18	100	0.39	Biweekly	Grab
Methyl Ethyl Ketone	50	0.18	100	0.39		
Methylene Chloride	5	0.018	10	0.039		
1,1,1,-Trichloroethane	5	0.018	10	0.039	Biweekly	Grab
Trichloroethylene	3	0.0108	5	0.018	Biweekly	Grab
Chloroform	15	0.0468	26	0.0858	Biweekly	Grab
1,1-Dichloroethane	5	0.018	10	0.039	Biweekly	Grab
Tetrachloroethylene	5	0.018	10	0.039	Biweekly	Grab
Aluminum (Al)	550	1.9808	1000	8.0648	Biweekly	Grab
Arsenic (As)	5	0.0108	9	0.0195	Biweekly	Grab
Beryllium (Be)	5	0.0180	7	0.0273	Biweekly	Grab
Cadmium (Cd)	8	0.0288	17	0.0663	Biweekly	Grab
Chromium (Cr)	13	0.468	35	0.1365	Biweekly	Grab
Copper (Cu)	49	0.1764	88	0.3432	Biweekly	Grab
Cyanide (Cn)	7	0.0252	14	0.0564	Biweekly	Grab
Iron (Fe)	846	3.0496	1460	5.6965	Biweekly	Grab
Lead (Pb)	9	0.0324	16	0.0624	Biweekly	Grab
Manganese (Mn)	10	0.0361	17	0.0663	Biweekly	Grab
Mercury (Hg)	1	0.0036	3	0.0118	Biweekly	Grab
Nickel (Ni)	35	0.126	60	0.2341	Biweekly	Grab

Nitrite (NO ₂ ⁻)	60	0.2161	104	0.4058	Biweekly	Grab
Selenium (Se)	6	0.0216	9	0.0351	Biweekly	Grab
Silver (Ag)	6	0.0216	10	0.030	Biweekly	Grab
Zinc (Zn)	42	0.1512	70	0.273	Biweekly	Grab
Radium, Total (pCi/l)	0.2	-	0.4	-	Biweekly	Grab
Suspended Solids (TSS)	3000	11	9000	35	Biweekly	Grab
Temperature °F (°C)	95 (35)	-	105 (40.6)	-	Continuous	Recording
Total Ammonia (as N)	-	-	-	-	Biweekly	Grab
Gross Alpha (pCi/l) ^{3/}	-	-	-	-	Biweekly	Grab
Gross Beta (pCi/l) ^{3/}	-	-	-	-	Biweekly	Grab

2. Whole effluent toxicity testing requirements are established in section 1.F. of this permit. Additional toxicity testing is required (per section 1.F.) after "dangerous" wastes are routed to TEDF.
 3. The pH shall not be less than 6.0 nor greater than 9.0 standard units, and shall be monitored continuously during discharge.
 4. There shall be no discharge of floating solids or visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
 5. Samples taken in compliance with the monitoring requirements shall be taken at the following location: In the effluent flow from the EF-T-10 Effluent Tank at the point of Effluent Tank overflow to the river outfall prior to discharge into the Columbia River
 6. Waste influent flow to the TEDF shall also be monitored and recorded on a daily basis. Submittal of this flow data is not required unless requested by the permit issuing authority.
 7. The arsenic and metal samples shall be analyzed on an individual "total recoverable" parameter basis.
 8. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
 9. The permittee shall clearly indicate on the DMR which set of effluent limitations (either 1.A.1 or 1.B.1.) apply during the monthly reporting period.
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- ^{1/} All parameter limitations are expressed in units of "ug/l" and "lb/day" except for flow which is expressed in "mgd", total radium which is expressed in pCi/l, temperature which is expressed in °F and °C, toxicity which is expressed in "% Effluent", and pH which is expressed in "standard pH units".
- ^{2/} MDL is the maximum daily limitation established for the respective parameters under part I.A.1. of this permit.
- ^{3/} Analyses for gross alpha and gross beta shall be conducted using an EPA approved analytical method that achieves a Practical Quantification Level (PQL) of 3 pCi/l and 5 pCi/l, respectively. PQL means the lowest concentration of a substance that can be reliably measured, within specific limits of precision, during routine laboratory operating conditions.

C. Outfall 003

Effective upon issuance of this permit and lasting through expiration, the permittee is authorized to discharge intake screen wash water from outfall 003 to the Columbia River at approximate River Mile (R.M.) 381, subject to the following limitations and monitoring requirements.

1. Such discharge shall be limited as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (mgd)	0.08	0.132	Monthly	Daily Total
Suspended Solids	30 mg/l 20 lb/day	45 mg/l 50 lb/day	Monthly	Grab

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. Samples taken in compliance with the monitoring requirements specified above collected prior to discharge to the Columbia River.
4. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

D. Outfall 004

Effective upon issuance of this permit and lasting through expiration, the permittee is authorized to discharge wastewater(s) from the K area water supply system from outfall 004 to the Columbia River at approximate River Mile (R.M.) 381, subject to the following limitations and monitoring requirements

1. Such discharge shall be limited as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<u>Total Combined Discharge</u>				
Flow	2.0 mgd	4.9 mgd	Continuous	-
Temperature		80.0°F	Weekly	Grab
pH	greater than 6.0 and less than 9.0 standard units		Monthly	Grab
Free Available Chlorine	0.08 mg/l 1.34 lbs/day	0.1 mg/l 4.09 lbs/day	Weekly	Grab
<u>Filter Plant Backwash Water</u>				
Flow (mgd)	0.6 mgd	0.6 mgd	each discharge	Total
Suspended Solids	30 mg/l 150 lbs/day	45 mg/l 225 lbs/day	Weekly	Grab*

* sample to be collected 30 minutes after the start of drawdown

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. Sample taken in compliance with the monitoring requirements specified above shall be taken at the following locations: The total combined discharge sample shall be taken at the 1908K discharge structure prior to discharge to the Columbia River, and the water filter plant backwash water samples shall be taken prior to combining with any other flow.
4. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

E. Mixing Zone for Outfall 001

The maximum authorized mixing zone(s) for this discharge to the Columbia River are:

1. The boundaries of acute mixing zone are 30 feet downstream of the discharge and 20 feet to either side of the center line of flow. The acute criteria exceedence concentration (ACEC) is 1.6% effluent. The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the acute mixing zone.
2. The boundaries of the chronic mixing zone are 300 feet downstream of the discharge and 20 feet to either side of the centerline of flow. The chronic criteria exceedence concentration (CCEC) is 0.17% effluent. The CCEC means the maximum concentration of effluent allowable at the boundary of the chronic mixing zone.

F. Biomonitoring Program Requirements

1. ACUTE TOXICITY

a. Testing Requirements

The Permittee shall test final TEDF effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. The species listed below shall be used on each sample and the results submitted to EPA as a part of the permit renewal application process. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. The percent survival in 100% effluent shall also be reported.

The Permittee shall repeat the toxicity testing specified below for four consecutive quarters if "dangerous wastes" are received and treated through TEDF as authorized under section 1.B.1. of this permit. Results of such monitoring shall be submitted to EPA within 60 days of sampling.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F).

b. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of the Washington Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Washington Department of Ecology's database, then the Permittee shall send the disk to EPA along with the test report, bench sheets, and reference toxicant results. EPA will forward this information to Ecology.
2. Testing shall be conducted on 24-hour composite samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected

and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

2. CHRONIC TOXICITY

a. Testing Requirements

The Permittee shall test final TEDF effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to EPA as a part of the permit renewal application process.

The Permittee shall repeat the toxicity testing specified below for four consecutive quarters if "dangerous wastes" are received and treated through TEDF as authorized under section 1.B.1. of this permit. Results of such monitoring shall be submitted to EPA within 60 days of sampling.

The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 1.6 % effluent. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

Freshwater Chronic Toxicity Test Species	Method
Fathead minnow	<i>Pimephales promelas</i> EPA/600/4-91/002
Water flea	<i>Ceriodaphnia dubia</i> EPA/600/4-91/002

b. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Washington Department of Ecology's database, then the Permittee shall send the disk to EPA along with the test report, bench sheets, and reference toxicant results. EPA will forward this information to Ecology.
2. Testing shall be conducted on 24-hour composite samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in the Washington Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.
8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

G. Outfall Evaluation

The permittee shall conduct an underwater visual evaluation of physical integrity of the discharge pipe for outfall 001. Results of this evaluation shall be submitted to EPA as a report with the next permit application.

H. Quality Assurance and Quality Control Plan

The permittee shall develop and/or have in operation an acceptable Quality Assurance and Quality Control Plan, the primary purpose of which shall be to assist in the

planning for and conducting of sample collection and analysis of waste discharge samples in support of this permit, and explaining any data anomalies that may occur.

I. Definitions.

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
2. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
3. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
4. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
5. "Maximum daily discharge limitation" means the highest allowable "daily discharge".
6. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
7. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
8. "Biweekly" measurement frequency means two samples per month.
9. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. All monitoring must be conducted according to test procedures approved under 40 CFR Part 136. Analytical procedures shall achieve detection levels which are equal to or lower than the effluent limitation(s) for the parameter being measured. For purposes of reporting on the discharge monitoring report, actual analytical results should be reported whenever possible. When results below the effluent limitation cannot be quantified, values shall be reported as "0".
- C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 25th day of the following

month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.H. Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency (EPA)
Region 10
1200 Sixth Avenue, OW-NCU
Seattle, Washington 98101

copy to: Washington Department of Ecology (Ecology)
1315 W. 4th Avenue
Kennewick Washington 99336-6018

- D. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- E. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurement;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical technique or methods used; and
 6. The results of such analyses.
- F. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- G. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);

- c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.);
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
- a. A description of the noncompliance and its causes;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553-1256.
4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring results.
5. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.
6. Inspection and Entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; or
 - d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
 - e. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I) shall be submitted no later than 10 days following each schedule date.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall

give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note). Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

2. Criminal Penalties:

- a. Negligent Violations. Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.
- b. Knowing Violations. Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
- c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act .
- d. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
 - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

- A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/l);
 - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 ug/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.
- C. Anticipated Noncompliance. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- H. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility of activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to the authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.H.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be

available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstance, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
 - 1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 - 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.