

United States Environmental Protection Agency (EPA)  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”,

**Hayden Area Regional Sewer Board  
10789 North Atlas Road  
Rathdrum, ID 83858**

is authorized to discharge from the wastewater treatment plant located in Rathdrum, Idaho, at the following location(s):

<b>Outfall</b>	<b>Receiving Water</b>	<b>Latitude</b>	<b>Longitude</b>
001	Spokane River	47° 41' 54"	116° 50' 03"

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective

This permit and the authorization to discharge shall expire at midnight,

The permittee shall reapply for a permit reissuance on or before, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this     day of

**Draft Permit**  
Michael F. Gearheard, Director  
Office of Water and Watersheds

## Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

<b>Item</b>	<b>Due Date</b>
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 10th day of the month following the monitoring month.
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and the Idaho Department of Environmental Quality (IDEQ) with written notification that the Plan has been developed and implemented within 90 days after the effective date of the final permit (see II.C). The Plan must be kept on site and made available to EPA and IDEQ upon request.
3. Operation and Maintenance (O&M) Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.A). The Plan must be kept on site and made available to EPA and IDEQ upon request.
4. Phosphorus Management Plan	The permittee must provide written notice to EPA and IDEQ that the plan has been developed within 1 year after the effective date of the final permit and implemented within 18 months of the effective date of the final permit (see II.B).
5. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B).
6. Surface Water Monitoring Report	The report is due annually by January 31 <sup>st</sup> (see I.F). A report of periphyton sampling results must be submitted with the application for renewal of this NPDES permit, due 180 days before the expiration date of this permit (see I.F).
7. Compliance Schedule	Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date (see I.C, I.D and III.J).
8. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See I.B.2 and III.G).

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## I. Limitations and Monitoring Requirements

### A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 001 to the Spokane River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

### B. Effluent Limitations and Monitoring

- The permittee must limit and monitor discharges from outfall 001 as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the table at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
<b>Effluent Flow</b>	mgd	Report	—	Report	Effluent	Continuous	Recording
<b>Receiving Water Flow</b> June – September	CFS	Report average, minimum, and maximum daily flows for the month			USGS Post Falls Gage	Daily	Measure
<b>Five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>)</b> (November – February)	mg/L	25	40	—	Influent and Effluent	1/week	24-Hr. Comp.
	lb/day	344	550	—			Calculation <sup>2</sup>
	% removal	85% (min.)	—	—	% removal	1/month	Calculation <sup>3</sup>
<b>CBOD<sub>5</sub><sup>1</sup></b> (March – October)	mg/L	15	24	—	Influent and Effluent	2/week	24-Hr. Comp.
	lb/day	138	220	—			Calculation <sup>2</sup>
	% removal	85% (min.)	—	—	% removal	1/month	Calculation <sup>3</sup>
<b>Total Suspended Solids</b>	mg/L	30	45	—	Influent and Effluent	1/week	24-Hr. Comp.
	lb/day	413	619	—			Calculation <sup>2</sup>
	% removal	85% (min.)	—	—	% removal	1/month	Calculation <sup>3</sup>
<b>pH</b> (November – March)	s.u.	6.1 – 9.0 at all times			Effluent	5/week	Grab
<b>pH</b> (April – June)	s.u.	6.0 – 9.0 at all times			Effluent	5/week	Grab
<b>pH</b> (July – October)	s.u.	6.4 – 9.0 at all times			Effluent	5/week	Grab
<b>E. Coli</b>	#/100 ml	126 <sup>5</sup>	—	406 <sup>4</sup>	Effluent	5/month	Grab
<b>Total Residual Chlorine</b> (July – October)	µg/L	78.4 <sup>6</sup>	—	384	Effluent	5/week	Grab
	lb/day	1.08	—	5.28			Calculation <sup>2</sup>
<b>Total Residual Chlorine</b> (November – June)	µg/L	500	750	—	Effluent	1/week	Grab
	lb/day	6.88	10.3	—			Calculation <sup>2</sup>

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Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
<b>Total Ammonia as N<sup>1</sup></b> (March – October)	mg/L	10	—	22.9	Effluent	2/week	24-Hr. Comp.
	lb/day	138	—	315			Calculation <sup>2</sup>
<b>Total Ammonia as N</b> (November – February)	mg/L	78.7	—	250	Effluent	1/month	24-Hr. Comp.
	lb/day	1083	—	3440			Calculation <sup>2</sup>
<b>Total Phosphorus as P<sup>1</sup></b> (March)	µg/L	Report	Report	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	13.8	20.6	—			Calculation <sup>2</sup>
<b>Total Phosphorus as P<sup>1</sup></b> (April – May)	µg/L	Report	Report	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	6.9	10.3	—			Calculation <sup>2</sup>
<b>Total Phosphorus as P<sup>1</sup></b> (June – September)	µg/L	Report	Report	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	0.14	0.21	—			Calculation <sup>2</sup>
<b>Total Phosphorus as P<sup>1</sup></b> (October)	µg/L	Report	Report	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	13.8	20.6	—			Calculation <sup>2</sup>
<b>Total Phosphorus as P</b> (November – February)	µg/L	Report	—	Report	Influent and Effluent	1/month	24-Hr. Comp.
<b>Lead</b>	µg/L	2.19	—	4.94	Effluent	1/month	24-Hr. Comp.
	lb/day	0.030	—	0.068			Grab
<b>Zinc</b>	µg/L	88.2	—	112	Effluent	2/month	24-Hr. Comp.
	lb/day	1.21	—	1.54			Calculation <sup>2</sup>
<b>Temperature</b>	°C	Report	—	Report	Effluent	3/week	Grab
<b>Cadmium</b>	µg/L	Report	—	Report	Effluent	Bi-monthly <sup>7</sup>	24-Hr. Comp.
<b>Copper</b>	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
<b>Silver</b>	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
<b>Alkalinity</b>	mg/L as CaCO <sub>3</sub>	Report	—	Report	Effluent	1/month	24-Hr. Comp.
<b>Hardness</b>	mg/L as CaCO <sub>3</sub>	Report	—	Report	Effluent	2/month	24-Hr. Comp.
<b>Oil and Grease</b>	mg/L	See I.B.11			Effluent	3x/5years	Grab
<b>Total Dissolved Solids</b>	mg/L	See I.B.11			Effluent	3x/5years	24-Hr. Comp.
<b>Total Polychlorinated Biphenyls</b>	pg/L	Report	—	Report	Effluent	1/quarter	24-Hr. Comp.
<b>Orthophosphate as P</b>	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
<b>Total Kjeldahl Nitrogen</b>	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
<b>Nitrate – Nitrite as N</b>	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
<b>Dissolved Oxygen</b>	mg/L	Report minimum and average			Effluent	1/month	Grab
<b>NPDES Application Form 2A Effluent Testing</b>	See I.B.11.				Effluent	3x/5years	—
<b>Whole Effluent Toxicity</b>	TU <sub>c</sub>	See I.C.			Effluent	Annual	24-Hr. Comp.

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<b>Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001</b>							
Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Notes:							
1. These effluent limits are subject to a compliance schedule. See I.C and I.D.							
2. Loading is calculated by multiplying the concentration in mg/L by the corresponding flow (in mgd) and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the <i>NPDES Self-Monitoring System User Guide</i> (EPA 833-B-85-100, March 1985).							
3. Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.							
4. No single sample may exceed 406 organisms per 100 ml (instantaneous maximum limit).							
5. The monthly geometric mean concentration of E. coli must not exceed 126 organisms per 100 ml.							
6. See I.B.10.							
7. Bi-monthly means once every two months.							

2. The permittee must report within 24 hours any violation of the maximum daily or instantaneous maximum limits for the following pollutants: E. coli, lead, zinc, total residual chlorine, and total ammonia as N. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B and III.H).
3. Effluent loading and concentration of cadmium, copper, lead, silver and zinc must be reported as total recoverable metals.
4. The permittee must not discharge floating, suspended, or submerged matter of any kind in amounts causing nuisance or objectionable conditions or that may impair designated beneficial uses of the Spokane River.
5. Removal Requirements for CBOD<sub>5</sub> and TSS: The monthly average effluent concentration must not exceed 15 percent of the monthly average influent concentration. Percent removal of CBOD<sub>5</sub> and TSS must be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal must be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month. Influent and effluent samples must be taken over approximately the same time period.
6. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
7. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. If the effluent limit is less than the minimum level of the most sensitive EPA-approved analytical method, the permittee must use the most sensitive EPA-approved analytical method. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MLs less than or equal to those specified in Table 2. If no minimum level is listed in Table 2 and the pollutant is not subject to an effluent limit, the permittee may use any EPA-approved method for analysis.

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<b>Table 2: Maximum MLs for Pollutants Not Subject to Effluent Limitations</b>		
Parameter	Units	Maximum ML
Cadmium	µg/L	1
Silver	µg/L	0.3
Total Polychlorinated Biphenyls	pg/L	60
Total Kjeldahl Nitrogen	µg/L	50
Nitrate – Nitrite as N	µg/L	50

8. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if a value is less than the ML, the permittee must report “less than {numeric value of the ML}.”
9. For purposes of calculating monthly and weekly averages, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of the ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.
10. The average monthly effluent limits for total residual chlorine for July through October are not quantifiable using EPA-approved analytical methods. EPA will use 100 µg/L (the Minimum Level) as the compliance evaluation level for total residual chlorine. The permittee will be considered compliant with the total residual chlorine effluent limits if the monthly average concentration of total residual chlorine is less than 100 µg/L and the monthly average loading of total residual chlorine is less than 1.4 lb/day.
11. The permittee must perform the effluent testing required by Parts B.6 and D of NPDES application Form 2A (EPA Form 3510-2A, revised 1-99). The permittee must submit the results of this testing with its application for renewal of this NPDES permit. To the extent that effluent monitoring required by other conditions of this permit satisfies this requirement, these samples may be used to satisfy the requirements of this paragraph.

### **C. Schedules of Compliance**

1. The permittee must comply with all effluent limitations and monitoring requirements in Part I.B beginning on the effective date of this permit, except those for which a compliance schedule is specified in Part I.C.2.
2. A schedule of compliance is allowed for the following effluent limitations during the seasons and river flow conditions specified below:

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- a) Total phosphorus limits in effect during the months of March, April, May, and October, and during the months of June, July, August and September on calendar days when daily average river flows are greater than 2,000 CFS.
  - b) Total ammonia as N effluent limits during the months of March, April, May, and October, and during the months of June, July, August and September on calendar days when daily average river flows are greater than 2,000 CFS.
  - c) CBOD<sub>5</sub> effluent limits during the months of March, April, May, and October, and during the months of June, July, August and September on calendar days when daily average river flows are greater than 2,000 CFS.
3. The permittee must achieve compliance with the final effluent limitations for total phosphorus and CBOD<sub>5</sub> set forth in Part I.B (Table 1) of this permit no later than nine (9) years after the effective date of the final permit.
  4. The permittee must achieve compliance with the final total ammonia as N effluent limits no later than six (6) years after the effective date of the final permit.
  5. While the schedules of compliance specified in Part I.C.2 are in effect, the permittee must complete interim requirements and meet interim effluent limits as specified in Part I.D of this permit.

#### **D. Interim Requirements for Schedules of Compliance**

1. By one (1) year after the effective date of the final permit, the permittee must provide a preliminary engineering report to EPA and IDEQ outlining estimated costs and schedules for completing their current capacity expansion and implementation of technologies to achieve final effluent limitations. This schedule must include a timeline for full scale pilot testing.
2. By four (4) years after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that construction of capacity expansions has been completed.
3. By the expiration date of the final permit, the permittee must provide written notice that pilot studies of phosphorus removal technologies, financial plans, and bonding have been completed, and submit to EPA and IDEQ a report of the results and a plan for implementation.
4. By six (6) years after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that design has been completed and awarded bids have been awarded to build the facilities necessary to comply with the final effluent limitations.
5. By eight (8) years after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that construction has been completed on the facilities necessary to comply with the final effluent limits for CBOD<sub>5</sub> and phosphorus.
6. By nine (9) years after the effective date of the final permit, the permittee must have completed startup evaluation and optimization of phosphorus and CBOD<sub>5</sub> and comply with final effluent limits. Part I.B (Table 1).

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7. By two (2), three (3), and seven (7) years after the effective date of the final permit, the permittee must submit to EPA and IDEQ reports of progress, which outline the progress made toward achieving compliance with the total phosphorus, total ammonia as N, and COD<sub>5</sub> effluent limitations. At a minimum, the reports must include:
- An assessment of the previous year of effluent data and comparison to the effluent limitations.
  - A report on progress made towards meeting the effluent limitations.
  - A report on progress made toward completing remaining interim requirements of this compliance schedule.
  - Further actions and milestones targeted for the upcoming year.
8. While the schedules of compliance specified in Part I.C.2 are in effect, the permittee must comply with the interim effluent limitations and monitoring requirements as specified in Table 3, below.

<b>Table 3: Interim Effluent Limits and Monitoring Requirements for Outfall 001</b>							
Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
<b>CBOD<sub>5</sub></b> March – May and October, until 4 years after the effective date of the final permit.	mg/L	25	40	—	Influent and Effluent	2/week	24-Hr. Comp.
	lb/day	344	550	—			Calculation
	% rem.	85% (min.)	—	—	% removal	1/month	Calculation
<b>CBOD<sub>5</sub></b> June – September, River Flow > 2,000 CFS, until 4 years after the effective date of the final permit.	mg/L	25	40	—	Influent and Effluent	2/week	24-Hr. Comp.
	lb/day	344	550	—			Calculation
	% rem.	85% (min.)	—	—	% removal	1/month	Calculation
<b>CBOD<sub>5</sub></b> March – May and October, from 4 years after the effective date of the final permit until 9 years after the effective date of the final permit.	mg/L	15	24	—	Influent and Effluent	2/week	24-Hr. Comp.
	lb/day	206	330	—			Calculation
	% rem.	85% (min.)	—	—	% removal	1/month	Calculation
<b>CBOD<sub>5</sub></b> June – September, River Flow > 2,000 CFS, from 4 years after the effective date of the final permit until 9 years after the effective date of the final permit.	mg/L	15	24	—	Influent and Effluent	2/week	24-Hr. Comp.
	lb/day	206	330	—			Calculation
	% rem.	85% (min.)	—	—	% removal	1/month	Calculation
<b>Total Phosphorus as P</b> March – May and October, until 3 years after the effective date of the final permit.	mg/L	Report	Report	—	Effluent	2/month	24-Hr. Comp.
	lb/day	Report	Report	—			Calculation
<b>Total Phosphorus as P</b> June – September, River Flow > 2,000 CFS, until 3 years after the effective date of the final permit.	mg/L	Report	Report	—	Effluent	2/month	24-Hr. Comp.
	lb/day	Report	Report	—			Calculation
<b>Total Phosphorus as P</b>	mg/L	2.0	3.0	—	Effluent	3/week	24-Hr. Comp.

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Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
March – May and October, from 3 years after the effective date of the final permit until 6 years after the effective date of the final permit.	lb/day	27.5	41.3	—			Calculation
<b>Total Phosphorus as P</b> June – September, River Flow > 2,000 CFS, from 3 years after the effective date of the final permit until 6 years after the effective date of the final permit.	mg/L	2.0	3.0	—	Effluent	3/week	24-Hr. Comp.
	lb/day	27.5	41.3	—			Calculation
<b>Total Phosphorus as P</b> March – May and October, from 6 years after the effective date of the final permit until 9 years after the effective date of the final permit	mg/L	1.2	1.8	—	Effluent	3/week	24-Hr. Comp.
	lb/day	16.5	24.8	—			Calculation
<b>Total Phosphorus as P</b> June – September, River Flow > 2,000 CFS, from 6 years after the effective date of the final permit until 9 years after the effective date of the final permit.	mg/L	1.2	1.8	—	Effluent	3/week	24-Hr. Comp.
	lb/day	16.5	24.8	—			Calculation
<b>Total Ammonia as N</b> March – May and October, until 2 years after the effective date of the final permit.	mg/L	78.7	—	250	Effluent	2/week	24-Hr. Comp.
	lb/day	985	—	3128			Calculation
<b>Total Ammonia as N</b> June – September, River Flow > 2,000 CFS, until 2 years after the effective date of the final permit.	mg/L	78.7	—	250	Effluent	2/week	24-Hr. Comp.
	lb/day	985	—	3128			Calculation
<b>Total Ammonia as N</b> March – May and October, from 2 years after the effective date of the final permit until 6 years after the effective date of the final permit.	mg/L	15	—	34.4	Effluent	2/week	24-Hr. Comp.
	lb/day	206	—	473			Calculation
<b>Total Ammonia as N</b> June – September, River Flow > 2,000 CFS, from 2 years after the effective date of the final permit until 6 years after the effective date of the final permit.	mg/L	15	—	34.4	Effluent	2/week	24-Hr. Comp.
	lb/day	206	—	473			Calculation

### E. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from outfall 001. Testing must be conducted in accordance with subsections 1 through 4, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters in Part I.B above, with a required monitoring frequency of bi-monthly or more frequently. When the timing of sample collection coincides with that of the sampling required in Part I.B, analysis of the split sample will fulfill the requirements of Part I.B as well.

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2. Chronic Test Species and Methods
  - a) Chronic tests must be conducted annually.
  - b) The permittee must conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), and the fathead minnow, *Pimephales promelas* (larval survival and growth test), for the first two suites of tests. After this screening period, monitoring shall be conducted using the most sensitive species.
  - c) The presence of chronic toxicity must be determined as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002.
  - d) Results must be reported in  $TU_c$  (chronic toxic units), where  $TU_c = 100/IC_{25}$ . See Part VI for a definition of  $IC_{25}$ .
3. Quality Assurance
  - a) The toxicity testing on each organism must include a series of five test dilutions and a control. The dilution series must include the receiving water concentration (RWC), which is the dilution associated with the chronic toxicity trigger; two dilutions above the RWC, and; two dilutions below the RWC. The RWC is 3.3% effluent.
  - b) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.
  - c) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
    - (i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.
    - (ii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.
    - (iii) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA and IDEQ. In no case shall water that has not met test acceptability criteria be used for either dilution or control.

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#### 4. Reporting

- a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMR) for the month of December.
- b) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; flow rate at the time of sample collection; and the results of the monitoring required in Part I.A.

#### F. Surface Water Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start within 180 days after the effective date of the permit and continue as long as this permit remains in force. The program must meet the following requirements:

1. Monitoring stations must be established in Lake Coeur d'Alene, the Spokane River and Skalan Creek at the following locations:
  - a) Lake Coeur d'Alene at Spokane River outlet.
  - b) Spokane River upstream of the City of Coeur d'Alene outfall.
  - c) Spokane River downstream of the City of Coeur d'Alene outfall and upstream of the Hayden Area Regional Sewer Board outfall.
  - d) Spokane River downstream of the Hayden Area Regional Sewer Board outfall.
  - e) Spokane River downstream of the City of Post Falls outfall.
  - f) Skalan Creek at mouth.
2. The permittee must seek approval of the surface water monitoring stations from IDEQ prior to initiating surface water monitoring.
3. A failure to obtain IDEQ approval of surface water monitoring stations does not relieve the permittee of the surface water monitoring requirements of this permit.
4. All ambient samples must be grab samples.
5. Copper and silver must be analyzed as dissolved metal.
6. If the flow rate of Skalan Creek is less than 1 CFS at the time of monitoring, the permittee need not sample Skalan Creek for total phosphorus, orthophosphate, nitrate-nitrite, or total ammonia.
7. Samples must be analyzed for the parameters listed in Table 4, and must achieve method detection limits (MDLs) that are equivalent to or less than those listed in Table 4. The permittee may request different MDLs. The request must be in writing and must be approved by EPA. If no maximum ML is listed in Table 4,

for a particular pollutant, the permittee may use any EPA-approved method for analysis.

8. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part II.C, "Quality Assurance Plan".
9. The permittee must submit surface water monitoring results for the previous calendar year for all parameters except periphyton in an annual report to EPA and IDEQ by January 31<sup>st</sup> of the following year. At a minimum, the annual report must include the following:
  - a) Dates of sample collection and analyses.
  - b) Results of sample analysis.
  - c) Relevant quality assurance/quality control (QA/QC) information.
10. Surface water monitoring results for periphyton must be submitted to EPA and IDEQ with the application for renewal of this NPDES permit, which is due 180 days before the expiration date of this permit. At a minimum, the report must include the following:
  - a) Dates of sample collection and analyses.
  - b) Results of sample analysis.
  - c) Relevant quality assurance/quality control (QA/QC) information.

**Table 4: Surface Water Monitoring Requirements**

Parameter (units)	Sample Locations	Sample Frequency	Sample Type	Maximum ML
Copper (µg/L)	I.F.1.c, d.	3/year <sup>1</sup>	Grab	3 µg/L
Silver (µg/L)	I.F.1.c, d.	3/year <sup>1</sup>	Grab	0.3 µg/L
Hardness (mg/L as CaCO <sub>3</sub> )	I.F.1.c, d, e	3/year <sup>1</sup>	Grab	---
Flow rate (CFS)	I.F.1.f.	4/year <sup>2</sup>	estimate or measure	---
Total Ammonia as N (mg/L)	I.F.1.b, c, d, e, f	4/year <sup>2</sup>	Grab	0.05 mg/L
pH (standard units)	I.F.1.b, c, d	4/year <sup>2</sup>	Grab	---
Nitrate + Nitrite as N (mg/L)	I.F.1.b, c, d, e, f	4/year <sup>2</sup>	Grab	0.1 mg/L
Total Phosphorus as P (µg/L)	I.F.1.b, c, d, e, f	4/year <sup>2</sup>	Grab	5 µg/L
Orthophosphate as P (µg/L)	I.F.1.b, c, d, e, f	4/year <sup>2</sup>	Grab	5 µg/L
Dissolved Oxygen (mg/L)	I.F.1.b, c, d, e	4/year <sup>2</sup>	Grab	---
Chlorophyll a	I.F.1.b, c, d	4/year <sup>2</sup>	Grab	---
Periphyton	I.F.1.e.	4/year <sup>2</sup>	Grab	---
Total Polychlorinated Biphenyls	I.F.1.a, b.	1/year <sup>3</sup>	Grab	3 pg/L
Notes:				
1. The permittee must sample the receiving water at least once during each of the following seasons: November – March, April – June, and July – October.				
2. The permittee must sample the receiving water at least once between the 11 <sup>th</sup> and 20 <sup>th</sup> days (inclusive) of the months of July, August, September and October.				
3. The permittee must sample the receiving water at least once during the season of May – August.				

## II. Special Conditions

### A. Operation and Maintenance Plan

In addition to the requirements specified in Section III.E of this permit (Proper Operation and Maintenance), by 180 days after the effective date of this permit, the permittee must provide written notice to EPA and IDEQ that an operations and maintenance plan for the wastewater treatment facility has been developed and implemented within 180 days of the effective date of this permit. Any existing operation and maintenance plans may be modified for compliance with this section. The plan must include any operational changes necessary to minimize the effluent loading of total phosphorus as required by II.B.3.(a), below. The plan must be retained on site and made available on request to EPA and IDEQ.

### B. Phosphorus Management Plan

The permittee must provide EPA and IDEQ with written notice that it has developed a phosphorus management plan for the facility within 1 year of the effective date of this permit. The phosphorus management plan must contain the following elements:

1. The permittee must compile influent and effluent phosphorus data for the wastewater treatment plant.
2. The permittee must evaluate the wastewater treatment plant's phosphorus reduction potential.
  - a) The permittee must compare its phosphorus concentrations against typical values for wastewater treatment plants utilizing similar treatment technology.
  - b) If the phosphorus concentrations are higher than typical levels, the permittee must investigate the cause of the high phosphorus concentrations and take steps to reduce phosphorus concentrations.
3. The permittee must set phosphorus reduction goals for the wastewater treatment plant.
  - a) The phosphorus reduction goals must be consistent with interim or final phosphorus effluent limits, as appropriate, or with typical values for the type of treatment process employed by the wastewater treatment plant, whichever results in lower effluent phosphorus concentrations or greater reductions in total phosphorus.
  - b) The permittee must set an influent phosphorus reduction goal.
4. The permittee must evaluate the phosphorus reduction potential of non-domestic users of the POTW.
  - a) The Plan must list the non-domestic users of the treatment works which fit the following categories:
    - (i) Agricultural co-ops.
    - (ii) Car/truck washing facilities.

- (iii) Dairies.
  - (iv) Food processing plants.
  - (v) Meat packing and locker plants.
  - (vi) Metal finishing facilities.
  - (vii) Municipal water treatment plants that add phosphorus to drinking water.
  - (viii) Nursing homes.
  - (ix) Restaurants.
  - (x) Schools.
  - (xi) Any other non-domestic users of the POTW which contribute at least 5% of the total influent phosphorus loading to the POTW.
- b) In the Plan, the permittee must evaluate which of these non-domestic users have the greatest opportunity for reducing phosphorus.
- c) For those non-domestic users which the permittee determines to have potential to reduce phosphorus loading to the POTW, the permittee must work with the business to develop a phosphorus reduction goal.
5. The permittee must provide written notice to EPA and IDEQ that it has implemented its phosphorus management plan within 18 months of the effective date of the final permit. The implementation must be consistent with an implementation plan which must include the following elements:
- a) A listing of the phosphorus reduction strategies that the permittee will use to meet its phosphorus reduction goals. The permittee must select and describe phosphorus reduction strategies for the following four areas, if applicable. The implementation plan must note which of the following four areas are included in the plan, and which were omitted. For those areas which are omitted, the implementation plan must explain the omission.
    - (i) Non-domestic users.
    - (ii) The wastewater treatment plant.
    - (iii) Residential or domestic users.
    - (iv) Drinking water treatment plant.
  - b) For each group of phosphorus contributor listed in the implementation plan, the permittee must consider the following phosphorus reduction strategies and list which strategy or strategies it will employ for phosphorus reduction.
    - (i) Source reduction or prevention (e.g. process changes and water recovery for industrial users and restrictions on the sale or use of phosphate detergents for domestic users).
    - (ii) Best practices.

- (iii) Education (e.g. information about environmentally preferable purchasing of low or non-phosphorus products).
  - (iv) Staff training (at the WWTP and for non-domestic users).
  - (v) Pretreatment (for non-domestic users).
  - (vi) Phosphorus removal at the WWTP (chemical, physical, and biological methods).
  - (vii) Ongoing monitoring.
  - (viii) Wastewater re-use.
6. The permittee must revise the phosphorus management plan whenever it is found to be ineffective in achieving the phosphorus reduction goals (II.B.3).

### C. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented within 90 days of the effective date of this permit. Any existing QAPs may be modified for compliance with this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAP must include the following:
  - a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantification limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
  - b) Map(s) indicating the location of each sampling point.
  - c) Qualification and training of personnel.
  - d) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.

5. Copies of the QAP must be kept on site and made available to EPA and/or IDEQ upon request.

#### **D. Requirements for Oversight of Industrial Users**

The permittee must require any industrial user discharging to its treatment works to comply with any applicable requirements of 40 CFR 403 (as amended at 70 FR 60134) through 471, including the following requirements.

1. General Prohibition: The permittee must not allow any industrial user to introduce into the POTW any pollutant(s) which causes Pass Through or Interference. These general prohibitions and the specific prohibitions below apply to each industrial user introducing pollutants into the POTW whether or not the industrial user is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.
2. Specific Prohibitions: The permittee must not allow industrial users to discharge the following pollutants into the POTW:
  - a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
  - b) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges.
  - c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
  - d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
  - e) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Director of the Office of Water and Watersheds, upon request of the POTW, approves alternate temperature limits.
  - f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
  - g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  - h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

### III. Monitoring, Recording and Reporting Requirements

#### A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.B. of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph III.C (“Monitoring Procedures”). The permittee must report all additional monitoring in accordance with paragraph III.D (“Additional Monitoring by Permittee”).

#### B. Reporting of Monitoring Results

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 10th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit (“Signatory Requirements”). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to IDEQ at the following addresses:

US EPA Region 10  
Attn: PCS Data Entry Team  
1200 Sixth Avenue, OCE-133  
Seattle, Washington 98101

Idaho Department of Environmental Quality  
Coeur d'Alene Regional Office  
2110 Ironwood Pkwy  
Coeur d'Alene, ID 83814

#### C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

#### D. Additional Monitoring by 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

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permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

#### **E. Records Contents**

Records of monitoring information must include:

3. the date, exact place, and time of sampling or measurements;
4. the name(s) of the individual(s) who performed the sampling or measurements;
5. the date(s) analyses were performed;
6. the names of the individual(s) who performed the analyses;
7. the analytical techniques or methods used; and
8. the results of such analyses.

#### **F. Retention of Records**

The permittee must 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, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ at any time.

#### **G. Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
  - a) any noncompliance that may endanger health or the environment;
  - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F, "Bypass of Treatment Facilities");
  - c) any upset that exceeds any effluent limitation in the permit (See Part IV.G, "Upset Conditions"); or
  - d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Part I.B.2.
  - e) any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
  - a) a description of the noncompliance and its cause;
  - 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 recurrence of the noncompliance.
  - e) if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part III.B (“Reporting of Monitoring Results”).

#### **H. Other Noncompliance Reporting**

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B (“Reporting of Monitoring Results”) are submitted. The reports must contain the information listed in Part III.G.2 of this permit (“Twenty-four Hour Notice of Noncompliance Reporting”).

#### **I. Notice of New Introduction of Toxic Pollutants**

The permittee must notify the Director of the Office of Water and Watersheds and IDEQ in writing of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
  - a) The quality and quantity of effluent to be introduced into the POTW, and
  - b) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
4. The permittee must notify the Director of the Office of Water and Watersheds at the following address:

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US EPA Region 10  
Attn: NPDES Permits Unit Manager  
1200 6<sup>th</sup> Avenue, OWW-130  
Seattle, WA 98101

#### **J. 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 must be submitted no later than 14 days following each schedule date.

### **IV. 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.

#### **B. Penalties for Violations of Permit Conditions**

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) 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) (currently \$32,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) 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) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) 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) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

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## 3. Criminal Penalties:

- a) Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c) Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 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 of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

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**C. Need To Halt or Reduce Activity not a Defense**

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

**D. Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**E. Proper Operation and Maintenance**

The permittee must 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 the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**F. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that 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 Part.
2. Notice.
  - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
  - b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.
  - a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:
    - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (ii) 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

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been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

- (iii) The permittee submitted notices as required under paragraph 2 of this Part.
- b) The Director of the Office of Compliance and Enforcement 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 Part.

### **G. 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 permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that 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. To establish the affirmative defense of upset, the permittee must 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 III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and
  - d) The permittee complied with any remedial measures required under Part IV.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.

### **H. Toxic Pollutants**

The permittee must 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.

### **I. Planned Changes**

The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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 that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

#### **J. Anticipated Noncompliance**

The permittee must give written advance notice to the Director of the Office of Compliance and Enforcement and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

#### **K. Reopener**

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

### **V. General Provisions**

#### **A. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **B. Duty to Reapply**

If the permittee intends 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. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

**C. Duty to Provide Information**

The permittee must furnish to EPA and IDEQ, within the time specified in the request, any information that EPA or IDEQ 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 must also furnish to EPA or IDEQ, upon request, copies of records required to be kept by this permit.

**D. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or IDEQ, it must promptly submit the omitted facts or corrected information in writing.

**E. Signatory Requirements**

All applications, reports or information submitted to EPA and IDEQ must be signed and certified as follows.

1. All permit applications must 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, Indian tribe, 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 EPA or IDEQ must 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;
  - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or 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; and
  - c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.
3. Changes to authorization. If an authorization under Part V.E.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 Part V.E.2. must be submitted to the Director of the Office of Compliance and Enforcement and IDEQ 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 Part must 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.”

#### **F. Availability of Reports**

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

#### **G. Inspection and Entry**

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; IDEQ; 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:

1. 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;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. 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.

## H. 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 persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

## I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

## J. 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.

## VI. Definitions

1. “Act” means the Clean Water Act.
2. “Administrator” means the Administrator of the EPA, or an authorized representative.
3. “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.
4. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
5. “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
6. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

**Draft permit. This document does not authorize a discharge of pollutants to waters of the United States.**

7. “Chronic toxic unit” (“TUc”) is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e.,  $100/\text{“NOEC”}$ ).
8. “Composite” - see “24-hour composite”.
9. “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.
10. “Director of the Office of Compliance and Enforcement” means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
11. “Director of the Office of Water and Watersheds” means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
12. “DMR” means discharge monitoring report.
13. “EPA” means the United States Environmental Protection Agency.
14. “Geometric Mean” means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
15. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
16. “IDEQ” means the Idaho Department of Environmental Quality.
17. “Inhibition concentration”, IC, is a point estimate of the toxicant concentration that causes a given percent reduction ( $p$ ) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
18. “Interference” is defined in 40 CFR 403.3.
19. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
20. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
21. “Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming

that all the method-specified sample weights, volumes and processing steps have been followed.

22. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
23. "Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
24. "QA/QC" means quality assurance/quality control.
25. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
26. "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.
27. "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 preventive maintenance, or careless or improper operation.
28. "24-hour composite" sample means a combination of at least discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24 hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.