UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
ALLIED BANK TOWER AT FOUNTAIN PLACE
1445 ROSS AVENUE
DALLAS, TEXAS 75202

March 17, 1988

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P 661 406 887)

REPLY TO: 6W-PS

Mr. Walter F. Ekstrom, Vice President
Arizona Public Service Company
P.O. Box 21666
Phoenix, Arizona 85036

Re: NPDES Permit No. TX0000019-Arizona Public Service Company

Dear Mr. Ekstrom:

Your National Pollutant Discharge Elimination System (NPDES) permit is enclosed. The draft permit which we previously sent you received no comments. The effective date and the expiration date of this final permit appears on the cover page.

Should you have any questions concerning the permit, please feel free to contact the Permits Branch at the above address or telephone (214) 655-7190.

Enclosure

cc: (with permit)
TWC

NOTICE: This permit includes minor revisions made in accordance with the Regional Administrator's determination. Please retain this permit as your official copy.

Permit No. NM0000019

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C... 1251 et. seq; the "Act"),

Arizona Public Service Company
P.O. Box 21666
Phoenix, Arizona 85036

is authorized to discharge from a facility located at Four Corners Steam Electric Generating Station, Fruitland (San Juan County), New Mexico

to receiving waters named Morgan Lake, thence to the Chaco River, thence to the San Juan River

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I (17 pages), II (7 pages), and III (6 pages) hereof.

This permit shall become effective on March 18, 1988

This permit and the authorization to discharge shall expire at midnight, March 17, 1993

Signed and issued this 17th day of March 1988

Myron O. Knudson

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001 - cooling pond discharge.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	14.7
Temperature	N/A	N/A	N/A	95°F (*2)
Total Dissolved Solids (*3)	(*1)(*5)	(*1)(*5)	N/A	N/A

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/week	In situ
Temperature	Continuous	Record
Total Dissolved Solids	1/month (*4)	Grab

OUTFALL 001

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/month by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Where Morgan Lake blowdown discharges through the existing parshall flume.

FOOTNOTES

(*1) Report.
(*2) Instantaneous maximum.
(*3) See Part II, paragraph F.
(*4) During periods of discharge.
(*5) Shall be reported as tons/day.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 01A

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 01A - condenser cooling water discharge.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	N/A
Free Available Chlorine (*2)	238	596	(*1) mg/l	(*1) mg/l
Total Residual Chlorine (*3)	N/A	952	N/A	0.2 mg/l
Total Dissolved Solids (*5)	(*1)	(*1)	N/A	N/A
Biomonitoring	N/A	N/A	N/A	N/A

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/week	Measurement (*6)
Free Available Chlorine	1/week (*4)	Grab
Total Residual Chlorine	1/week (*3)	Grab
Total Dissolved Solids	1/month	Grab
Biomonitoring	1/month	(*7)

OUTFALL 01A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Where condenser cooling water from units 1, 2, 3, 4, and 5, is discharged from the circulating water canal to Morgan Lake.

FOOTNOTES

(*1) Report.
(*2) See Part II, paragraph B.
(*3) See Part II, paragraph C.
(*4) Samples shall be representative of periods of chlorination.
(*5) See Part II, paragraph F.
(*6) Based on pumping records.
(*7) See Part II, paragraph H.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 01B

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 01B - chemical metal cleaning wastewater (*2).

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	N/A
Total Suspended Solids	N/A	N/A	30 mg/l	100 mg/l
Oil & Grease	N/A	N/A	15 mg/l	20 mg/l
Iron, Total	N/A	N/A	1.0 mg/l	1.0 mg/l
Copper, Total	N/A	N/A	1.0 mg/l	1.0 mg/l

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	1/day	Estimate
Total Suspended Solids	1/occurrence	Grab
Oil & Grease	1/occurrence	Grab
Iron, Total	1/occurrence	Grab
Copper, Total	1/occurrence	Grab

OUTFALL 01B

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/occurrence by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Prior to mixing with any other waste source stream and/or release to the circulating water canal.

FOOTNOTES

(*1) Report.
(*2) See Part II, paragraph D.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 01E

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 01E - combined waste treatment pond discharge.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	N/A
Total Suspended Solids	N/A	N/A	30 mg/l	100 mg/l
Oil & Grease	N/A	N/A	15 mg/l	20 mg/l

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Daily	Estimate
Total Suspended Solids	1/week	Grab
Oil & Grease	1/week	Grab

OUTFALL 01E

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Prior to mixing with any other waste source stream and/or release to the circulating water canal.

FOOTNOTES

(*1) Report.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 01G

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 01G - units 4 and 5 condensate storage tank releases.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	N/A
Total Suspended Solids	N/A	N/A	30 mg/l	100 mg/l
Oil & Grease	N/A	N/A	15 mg/l	20 mg/l

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Daily	Estimate
Total Suspended Solids	1/occurrence	Grab
Oil & Grease	1/occurrence	Grab

OUTFALL 01G

The pH shall not be less than N/A standard units nor greater than N/A standard units and shall be monitored N/A.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Prior to mixing with any other waste source stream and/or release to the circulating water canal.

FOOTNOTES

(*1) Report.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 01I

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 01I - units 4 and 5 boiler drains.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	N/A
Total Suspended Solids	N/A	N/A	30 mg/l	100 mg/l
Oil & Grease	N/A	N/A	15 mg/l	20 mg/l

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Daily	Estimate
Total Suspended Solids	1/occurrence	Grab
Oil & Grease	1/occurrence	Grab

OUTFALL 01I

The pH shall not be less than N/A standard units nor greater than N/A standard units and shall be monitored N/A.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Prior to mixing with any other waste source stream and/or release to the circulating water canal.

FOOTNOTES

(*1) Report.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 01J

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 01J - units 4 and 5 condenser hotwells overboard.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Mass(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	(*1)	N/A
Total Suspended Solids	N/A	N/A	30 mg/l	100 mg/l
Oil & Grease	N/A	N/A	15 mg/l	20 mg/l

Effluent Characteristic	Monitoring Requirements	
	Measurement Frequency	Sample Type
Flow (MGD)	Daily	Estimate
Total Suspended Solids	1/occurrence	Grab
Oil & Grease	1/occurrence	Grab

OUTFALL 01J

The pH shall not be less than N/A standard units nor greater than N/A standard units and shall be monitored N/A.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Prior to mixing with any other waste source stream and/or release to the circulating water canal.

FOOTNOTES

(*1) Report.

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

NONE

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

SECTION C. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III.D.4 of the permit. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report form postmarked no later than the 15th day of the month following the completed reporting period. The first report is due on April 15, 1988.

PART II
OTHER CONDITIONS

A. There shall be no discharge of polychlorinated biphenyl transformer fluid.

B. The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in the latest approved edition of "Standard Methods for the Examination of Water and Wastewater."

C. The term "total residual chlorine" (or total residual oxidants for intake water with bromides) means the value obtained using the amperometric method for total residual chlorine described in 40 CFR Part 136.

Total residual chlorine may not be discharged from any single generating unit for more than two hours per day unless the discharger demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertabrate control.

Simultaneous multi-unit chlorination is not permitted.

D. The term "chemical metal cleaning wastes" shall mean any cleaning compounds, rinse waters, or other waterborne residues derived from cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning and air preheater cleaning.

E. The term "low-volume wastesources" means wastewaters from, but not limited to; wet scrubber air pollution control system, ion exchange water treatment system, water treatment, evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems.

F. Salinity (TDS) is determined by the "calculation method" (sum of constituents) as described in the latest edition of "Techniques of Water Resources Investigations of the United States Geological Survey - Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases."

G. There shall be no surface discharge of scrubber effluents and fly ash sluicing water including discernable surface seeps resulting from infiltration and percolation from fly ash sluicing ponds and evaporation ponds.

H. CHRONIC BIOMONITORING REQUIREMENTS

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section. Such testing will determine if an appropriately dilute effluent sample affects the survival and reproduction or growth of the appropriate test organism. The permittee shall initiate the following series of tests within 60 days of the effective date of this permit to evaluate wastewater toxicity. All test organisms, procedures, and water quality assurance criterion used shall be in accordance with the latest revision of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA 600/4-85/014. The following tests shall be used:

1) The permittee shall conduct a 7-day Ceriodaphnia dubia survival and reproduction test (Method 1002.0).

2) The permittee shall conduct a 7-day fathead minnow (Pimephales promelas) larval survival and growth test (Method 1000.0).

b. A minimum of 5 dilutions must be performed in addition to an appropriate control, using a minimum dilution factor of 0.3, i.e. 100%, 30%, 10%, 3%, 1%. One dilution consisting of 93% of the final effluent must be contained in the test series.

c. The samples shall be collected at a point following the last treatment unit. Dilution water used in toxicity tests will be receiving stream water collected at a point upstream of the discharge. If receiving water is unsatisfactory as a result of pre-existing in-stream toxicity (greater than 20% mortality in the control), the permittee must substitute reconstituted dilution water, with hardness and alkalinity similar to that of the receiving stream water. The permittee shall also report to EPA the toxicity of the upstream receiving water.

d. Flow-weighted 24-hour composite samples representative of dry weather flows during normal operation will be collected from Outfall 01A. These composites shall be combined in proportion to the average flow from each outfall for the day the sample was collected. The toxicity tests shall be performed on the flow-weighted composite of outfall samples.

e. The toxicity tests specified in paragraphs (a) and (b) above shall be conducted once per month. The permittee shall prepare a full report of the results according to EPA 600/4-85/014, Section 10, Report Preparation. This full report need not be submitted unless requested and shall be retained following the provisions of Part III.C.3 of this permit.

f. The permittee shall submit the toxicity testing information contained in Table 1 of this permit to EPA along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting period following the toxicity test.

g. Should no toxicity occur within the first year of toxicity testing, in accordance with paragraph (h) below, for both species tested at the effluent dilution equivalent to 93%, the permittee shall certify this information in writing to EPA Region VI and these biomonitoring requirements shall expire.

h. For the purpose of this biomonitoring requirement, chronic toxicity is defined as a statistically significant difference at the 95% confidence level between the survival and growth or reproduction in the appropriate test organism exposed to the control and to an effluent dilution.

i. This permit shall be reopened to require further monitoring studies and/or effluent limits if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream. Modification or revocation of the permit is subject to the provisions of 40 CFR Part 122.62. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

TABLE 1

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

Permittee: _____
NPDES No.: _____

Composite collected FROM: _____ am/pm _____ date
TO: _____ am/pm _____ date

Test initiated: _____ am/pm _____ date

Dilution water used: ☐ Receiving water ☐ Reconstituted water

NUMBER OF YOUNG PRODUCED PER FEMALE @ 7 DAYS

Percent effluent (%)

REP	0%	1%	3%	10%	30%	100%	93%
A							
B							
C							
D							
E							
F							
G							
H							
I							
J							

TABLE 1 (Continued)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

Permittee: _____

NPDES No.: _____

PERCENT SURVIVAL

Percent effluent (%)

Time of Reading	0%	1%	3%	10%	30%	100%	93%
24h							
48h							
7-day							

1. Fisher's Exact Test:

   Is the mean survival at 7 days significantly different (p=0.05) than the control survival for 93% effluent?

   _____ YES _____ NO

2. Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

   Is the mean number of young produced per female significantly different (p=0.05) than the control's number of young per female for 93% effluent?

   _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEL below and circle lowest number:

   a. NOEL survival = _____ % effluent
   b. NOEL reproduction = _____ % effluent

4. If you answered NO to 1, enter [N]; otherwise enter [Y]: ____

5. Enter response to item 4 on DMR Form, parameter No. TCP3B.

6. If you answered NO to 1 and 2, enter [N]; otherwise enter [Y]: ____

7. Enter response to item 6 on DMR Form, parameter No. TDP3B.

TABLE 1 (Continued)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL TEST
(Pimephales promelas)

Permittee: _____
NPDES No.: _____

Composite collected FROM: _____ am/pm _____ date
TO: _____ am/pm _____ date

Test initiated: _____ am/pm _____ date

Dilution water used: ☐ Receiving water ☐ Reconstituted water

DATA TABLE FOR GROWTH OF FATHEAD MINNOWS

Effluent Conc. (%)	Average Dry Weight in milligrams in replicate chambers				MEAN DRY WEIGHT	
	A	B	C	D	mg	CV%*
0%						
1%						
3%						
10%						
30%						
100%						
93 %						

* coefficient of variation = standard deviation x 100/mean

1. Dunnett's Procedure:

   Is the mean dry weight (growth) at 7 days effluent significantly different (p=0.05) than the control's dry weight (growth) for the 93% effluent?

   _____ YES _____ NO

TABLE 1 (Continued)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL TEST
(Pimephales promelas)

Permittee: _____
NPDES No.: _____

DATA TABLE FOR FATHEAD MINNOW SURVIVAL

Effluent Conc. (%)	Percent Survival in replicate chambers				MEAN PERCENT SURVIVAL			
	A	B	C	D	24h	48h	7-day	CV%*
0%								
1%								
3%								
10%								
30%								
100%								
93%								

* coefficient of variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

   Is the mean survival at 7 days significantly different (p=0.05) than the control survival for the 93% effluent?

   _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEL below and circle lowest number:

   a. NOEL survival = _____ % effluent
   b. NOEL growth = _____ % effluent

4. If you answered NO to 1 and 2, enter [N]; otherwise enter [Y]: ____

5. Enter response to item 4 on DMR Form, parameter No. TCP6C.

6. If you answered NO to 1 and 2, enter [N]; otherwise enter [Y]: ____

7. Enter response to item 6 on DMR Form, parameter No. TDP6C.

PART III
STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. **Introduction**
In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable CFR regulations.

2. **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.

3. **Toxic Pollutants**
   a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
   b. 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 established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. **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 shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. **Permit Flexibility**
This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. **Property Rights**
This permit does not convey any property rights of any sort, or any exclusive privilege.

7. **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.

8. **Criminal and Civil Liability**
Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act or applicable CFR regulations which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. **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.

10. **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.

11. **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 circumstances, and the remainder of this permit, shall not be affected thereby.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. **Need to Halt or Reduce 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.

2. **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.

3. **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 backup 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.

4. **Bypass of Treatment Facilities**
   a. **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 Parts III.B.4.b and 4.c.
   b. **Notice**
      (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
      (2) **Unanticipated bypass.** The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.
   c. **Prohibition of bypass**
      (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
         (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
         (b) 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,
         (c) The permittee submitted notices as required by Part III.B.4.b.
      (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

5. **Upset Conditions**
   a. **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 Part III.B.5.b are met. 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.
   b. **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:
      (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
      (2) The permitted facility was at the time being properly operated;
      (3) The permittee submitted notice of the upset as required by Part III.D.7; and,
      (4) The permittee complied with any remedial measures required by Part III.B.2.
   c. **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. **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.

SECTION C. MONITORING AND RECORDS

1. **Inspection and Entry**
   The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the 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; and
   d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

2. **Representative Sampling**
   Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. **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 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

4. **Record Contents**
   Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

5. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

6. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

a. "A Guide to Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421).
b. "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. I27.19/2:W29/2, Stock No. S/N24003-0027).
c. "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273535/5ST).
d. "NPDES Compliance Sampling Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (8FPS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225).

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
   a. Industrial Permits
   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 in 40 CFR Part 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 40 CFR Part 122.42(a) (1).

   b. Municipal Permits
   Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance
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.

3. Transfers
This permit is not transferable to any person except after notice to the Director. 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.

4. Discharge Monitoring Reports
Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR to the EPA with copies of the DMR to the State Agency. Duplicate copies of the DMRs, signed and certified as required by Part III.D. 11 and all other reports required by Part III.D shall be submitted to the Director and to the State (if applicable) at the following address(es):

Water Management Division
Enforcement Branch (6W-E)
U.S. Environmental Protection Agency, Region VI
First Interstate Bank Tower
1445 Ross Avenue
Dallas, Texas 75202-2733

Oklahoma (Industrial Permits)
Director
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, Oklahoma 73152

New Mexico:
Program Manager
Surface Water Section
Surface Water Quality Bureau
New Mexico Environmental Improvement Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Louisiana:
Assistant Secretary for Water
Water Pollution Control Division
Louisiana Department of Environmental Quality
P.O. Box 44091
Baton Rouge, Louisiana 70804-4091

5. **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 Part 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 Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. **Averaging of Measurements**
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. **Twenty-Four Hour Reporting**
   a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
   b. The following shall be included as information which must be reported within 24 hours:
      (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
      (2) Any upset which exceeds any effluent limitation in the permit; and,
      (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.

8. **Other Noncompliance**
The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. **Other Information**
Where 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 in any report to the Director, it shall promptly submit such facts or information.

10. **Changes in Discharges of Toxic Substances (Applicable to Industrial Permits Only)**
The permittee shall notify the Director as soon as it knows or has reason to believe:
   a. 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 "notification levels" described in 40 CFR Part 122.42(a) (1).
   b. 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 "notification levels" described in 40 CFR Part 122.42(a) (2).

11. **Signatory Requirements**
All applications, reports, or information submitted to the Director shall be signed and certified.
   a. All permit applications shall be signed as follows:
      (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
         (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
         (b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
      (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
      (3) For a municipality, State, Federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
         (a) The chief executive officer of the agency, or
         (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
   b. 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:
      (1) The authorization is made in writing by a person described above;
      (2) 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, or 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 an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

c. 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."

12. Availability of Reports

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Criminal

a. Negligent Violations

The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. Knowing Violations

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. Knowing Endangerment

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.

d. False Statements

The Act provides that 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 the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. Civil Penalties

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $25,000 per day for each violation.

3. Administrative Penalties

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. Class I Penalty

Not to exceed $10,000 per violation nor shall the maximum amount exceed $25,000.

b. Class II Penalty

Not to exceed $10,000 per day for each day during which the violation continues nor shall the maximum amount exceed $125,000.

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act and which have been (a) approved or permitted to remain in effect by the Administrator following submission to him/her, pursuant to Section 303(a) of the Act, or (b) promulgated by the Administrator pursuant to Section 303(b) or 303(c) of the Act.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "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 terms of mass, the "daily discharge" is calculated as the total mass of the pollutant

discharged over the sampling 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 sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.

7. "Daily Average" (also known as monthly average) discharge limitation means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month.
8. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
9. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
10. "Grab sample" means an individual sample collected in less than 15 minutes.
11. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
12. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
13. "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.
14. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
15. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
16. "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.
17. For fecal coliform bacteria a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
18. The term "MGD" shall mean million gallons per day.
19. The term "mg/1" shall mean milligrams per liter or parts per million (ppm).
20. The term "ug/1" shall mean micrograms per liter or parts per billion (ppb).
21. Municipal Terms:
    a. "7-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during 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. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
    b. "30-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during 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. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
    c. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals and combined proportional to flow or a sample collected proportional to flow over the 24-hour period where no single aliquot represents more than 4 percent of the expected average daily flow.
    d. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow.
    e. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
    f. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.