

I. Transfers

This permit is not transferable to any person except after notice to the Director of the Office of Water and Watersheds as specified in Permit Part IV.E.3. 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.

K. Re-opener Clause

This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

V. DEFINITIONS.

- A. "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.
- B. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- C. A "24 hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots in 24 hours. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
- D. "Chronic toxicity" measures a sublethal effect (e.g., reduced growth, reduced reproduction) to experimental test organisms exposed to an effluent or ambient water compared to that of the control organisms.

- E. **“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.**
- F. **“Discharge measurement” means measuring width, depths, and velocities using a tape or tagline, sounding equipment, and a current meter.**
- G. **“Director” means the Regional Administrator, or an authorized representative, of EPA, Region 10.**
- H. **“Estimating” streamflow means 1) using gauging station data or discharge measurements upstream or downstream of the sampling site, 2) interpolating between discharge measurements made at the sampling site before and after the sampling date, 3) estimating the width, the depth, and roughly measuring the velocity by timing a float, or 4) correlating flows at gauged or measured sites by hydrographic or measurement comparisons.**
- I. **“Fecal coliform” means those bacteria that can ferment lactose at $44.5^{\circ} \pm 0.2^{\circ}\text{C}$ to produce gas in a multiple tube procedure. It also means all bacteria that produce blue colonies within 24 hours of incubation at $44.5^{\circ} \pm 0.2^{\circ}\text{C}$ in an M-FC broth medium. For fecal coliform analysis, the average shall be computed as the logarithmic mean.**
- J. **“Gauging station data” means stage record or gage-height readings and a stage discharge relation or rating from which discharge can be computed.**
- K. **A “Grab” sample is a single sample or measurement taken at a specific time or over as short period of time as is feasible.**
- L. **“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., Interpolation Method).**
- M. **“Laboratories” mean all laboratories used by the permittee to analyze samples for this permit. Laboratories include the permittee's consultants (if applicable), the permittee's in-house laboratories and other laboratories, and the permittee's contracted laboratories.**
- N. **“Maximum daily discharge limitation” means the highest allowable “daily discharge.”**
- O. **“Mine” means an active mining area, including all land and property placed under, or above the surface of such land, used or resulting from the work of extracting metal ore or minerals from their natural deposits by any means or methods, including secondary recovery of metal ore from refuse or other storage piles, wastes, or rock dumps and mill tailings derived from the mining, cleaning, or concentration of metal ores.**

- P. **"Mine drainage" means any water drained, pumped or siphoned from a mine.**
- Q. **"Mine Drainage Collection System" is the collection channel (ditch) for the mine drainage, including any ore body seeps collected and commingled there.**
- R. **"Mine Drainage Collection Dam is the dam and the impoundment it creates into which the Mine Drainage Collection System flows.**
- S. **"Precipitation" means rainfall or snowmelt.**
- T. **"Reroute" of Red Dog Creek means to divert, channel, or direct Red Dog Creek to flow differently from its natural course or from its course in 1993. Rerouting of Red Dog Creek will allow the permittee to mine at locations that are currently unreachable because of the interference of water.**
- U. **"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.**
- V. **"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.**
- W. **"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.**

V. Ambient Monitoring Sampling Locations

