

United States Environmental Protection Agency
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, as amended , (33 U.S.C. §1251 et seq; CWA), the

**Confederated Tribes of Warm Springs Reservation of Oregon
Wastewater Treatment Plant
Warm Springs, Oregon 97761**

is authorized to discharge from a wastewater treatment facility located in Warm Springs, Oregon,
[latitude: 44E 45' 44"; longitude: 121E 15' 24"]

to receiving waters named the Shitike Creek (River Mile 1.75), year round

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

In accordance with disposal sites, specific limitations, monitoring requirements, management practices, and other conditions set forth herein.

This permit shall become effective April 10, 2000

This permit and the authorization to discharge shall expire at midnight, April 10, 2005

Signed this 7th day of March, 2000

/s/ Randall F. Smith
Randall F. Smith
Director
Office of Water
U.S. Environmental Protection Agency, Region 10

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I. EFFLUENT LIMITATIONS AND OTHER REQUIREMENTS

A. Interim Effluent Limitations and Monitoring Requirements.

From the effective date of the permit to five years minus one day from the effective date of this permit, the Permittee is authorized to discharge subject to the restrictions set forth herein and the effluent limits set forth in Sections I.A.1 through I.A.4. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

1. **Table 1: Limitations and Monitoring Requirements for Outfall 001**

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Sample Location ¹	Sample Frequency ²	Sample Type
Flow	---	---	---	Influent or Effluent	Continuous	Recording
5-day Biochemical Oxygen Demand (BOD ₅)	45 mg/L	65 mg/L	---	Influent and Effluent	1/week	24 hour composite
	140 lbs/day	202 lbs/day	---			
Total Suspended Solids (TSS)	45 mg/L	65 mg/L	---	Influent and Effluent	1/week	24 hour composite
	140 lbs/day	202 lbs/day	---			
E. Coli Bacteria	126/100 ml ³	---	406/100 ml	Effluent	1/week	grab
Total Residual Chlorine ^{4/5}	0.140 mg/L 0.47 lbs/day	---	0.272 mg/L 0.84 lbs/day	Effluent	5/week	grab
Total Ammonia as N	---	---	---	Effluent	1/month	24 hour composite
Temperature, EC	---	---	---	Effluent	1/month	grab

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Sample Location ¹	Sample Frequency ²	Sample Type
Notes:						
1. If sample location is both influent and effluent, the Permittee shall collect influent and effluent samples over the same 24 hour period.						
2. Weekly sampling shall occur on the same day of each week, unless the Permittee can document that sampling could not be performed due to extreme condition. In such cases, a detailed explanation of the reason sampling could not be performed shall be prepared and submitted with the quarterly DMR.						
3. The average monthly limit shall be reported as a geometric mean.						
4. Monitoring and permit compliance is only required when chlorine is in use.						
5. Reporting is required within 24 hours of a maximum daily limit violation. See Part II.H.						

2. There shall be no discharge of floating, suspended or submerged matter such that it causes a nuisance or objectionable condition or impair designated beneficial uses.

3. Percent removal requirements for BOD₅ and TSS are as follows: for any month, the monthly average effluent load shall not exceed 35 percent of the monthly average influent load. Loading shall be calculated using the following formula: 8.34 x pollutant concentration (mg/L) x daily flow (mgd).

 Percent removal of BOD₅ and TSS shall be reported on the quarterly Discharge Monitoring Reports (DMRs).

4. Monitoring for pH shall occur 2/week as grab sample. The pH range shall be between 6.5 - 8.5 standard units.

B. Final Effluent Limitations and Monitoring Requirements.

Five years minus one day from the effective date of this permit, the Permittee is authorized to discharge subject to the restrictions set forth herein and the effluent limitations set forth in Sections I.B.1 through I.B.4. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

1. **Table 2: Limitations and Monitoring Requirements for Outfall 001**

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Sample Location ¹	Sample Frequency ²	Sample Type
Flow	0.87 mgd	---	---	Influent or Effluent	Continuous	Recording
BOD ₅ April 1 - October 31	10 mg/L 73 lbs/day	15 mg/L 109 lbs/day	---	Influent and Effluent	1/week	24 hour composite
November 1-March 31	30 mg/L 218 lbs/day	45 mg/L 327 lbs/day	---			
TSS April 1 - October 31	10 mg/L 73 lbs/day	15 mg/L 109 lbs/day	---	Influent and Effluent	1/week	24 hour composite
November 1-March 31	30 mg/L 218 lbs/day	45 mg/L 327 lbs/day	---			
E. Coli Bacteria	126/100 ml ³	---	406/100 ml	Effluent	1/week	grab
Total Ammonia as N ⁴	2.4 mg/L 17.4 lbs/day	---	6.8 mg/L 49.3 lbs/day	Effluent	1/month	24 hour composite
Temperature, EC	---	---		Effluent	1/month	grab
Notes: 1. If sample location is both influent and effluent, the Permittee shall collect influent and effluent samples over the same 24 hour period. 2. Weekly sampling shall occur on the same day of each week, unless the Permittee can document that sampling could not be performed due to extreme condition. In such cases, a detailed explanation of the reason sampling could not be performed shall be prepared and submitted with the quarterly DMR. 3. The average monthly limit shall be reported as a geometric mean. 4. Reporting is required within 24 hours of a maximum daily limit violation. See Part II.H.						

2. There shall be no discharge of floating, suspended or submerged matter such that it causes a nuisance or objectionable condition or impair designated beneficial uses.
3. Percent removal requirements for BOD₅ and TSS are as follows: for any month, the monthly average effluent load shall not exceed 15 percent of the monthly average influent load. Loading shall be calculated using the following formula: 8.34 x pollutant concentration (mg/L) x daily flow (mgd).

Percent removal of BOD₅ and TSS shall be reported on the quarterly Discharge Monitoring Reports (DMRs).

4. Monitoring for pH shall occur 2/week, as grab sample. The pH range shall be between 6.5 - 8.5 standard units.

C. Method Detection Limits. For all monitoring, the permittee shall use methods that can achieve a method detection limit (MDL) equal to 0.1 times the effluent limitation or the most sensitive EPA approved method, whichever is greater. If the analytical result for any sample is below the MDL, the permittee shall report "less than {numeric MDL} on the DMR. For purposes of averaging results, the permittee shall use 0 for all values below the MDL.

II. BIOSOLIDS/SEPTAGE MANAGEMENT REQUIREMENTS

- A. The permittee shall comply with all existing federal and state laws and regulations that apply to its biosolids use or disposal practice.
- B. The permittee shall handle and dispose of biosolids so the public health and the environment are protected from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
- C. The permittee shall ensure pollutants from the biosolids do not reach surface waters of the United States.
- D. The permittee shall ensure that the requirements of 40 CFR 503 Subparts A, C, and D are met when its sewage sludge is handled and disposed.

III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Quality Assurance Plan.

1. The permittee shall develop a Quality Assurance Plan (QAP) for all monitoring requirements identified in the permit. The plan shall be completed and implemented within one hundred twenty (120) days of the effective date of the permit.
2. At a minimum, the plan shall include the following:
 - C Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.),
 - C Sample preservation methods,
 - C Sample shipment procedures,

- C Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts),
- C Qualification and training of personnel, and
- C Analytical test methods that achieve the method detection limits in Section II.D including quality control checks, quantification/detection levels).

3. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and *Guidance on Quality Assurance Project Plans*, EPA QA/G-5.
4. The permittee shall 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 shall be kept on site and made available to EPA and/or the Confederated Tribes of Warm Springs Reservation of Oregon upon request.

B. Compliance Reporting.

1. Permittee shall submit by January 15 and July 15 of each year the progress of the facility upgrade.
2. The facility upgrade shall be completed and operational five years after the effective date of this permit.

C. Ambient Monitoring. The Permittee shall comply with the ambient monitoring requirements as specified in Table 3. An upstream sampling station shall be established, at a point representative of stream quality, above the influence of the facility's discharge. The sampling station shall be submitted to EPA and the Confederated Tribes of the Warm Springs Indian Reservation of Oregon Water Control Board and included on the quarterly DMRs. Ambient monitoring, consistent with the following requirements, shall begin 6 months from the effective date of this permit and occur within the same 24 hour period as the effluent sampling for temperature ammonia and pH:

Table 3: Ambient Monitoring Requirements				
Effluent Parameter	Unit of Measurement	Sample Location	Sample Frequency	Sample Type
pH	standard units	Upstream	1/quarter	Grab
Total Ammonia as N	mg/L	Upstream	1/quarter	24 hr. Composite
Temperature	EC	Upstream	1/quarter	Grab

D. 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.

E. Reporting of Monitoring Results. Outfall 001 and ambient monitoring results shall be summarized each calendar quarter on the Discharge Monitoring Report (DMR) form. The quarterly monitoring reports shall be submitted to the and the Confederated Tribes of the Warm Springs Indian Reservation of Oregon Water Control Board postmarked by the 10th day of the month following the end of the calendar quarter (i.e. April 10, July 10 and October 10, January 10). Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part V.J., Signatory Requirements, and submitted to the Director, Office of Water at the following address:

original to: United States Environmental Protection Agency (EPA) Region 10
 NPDES Compliance Unit OW-133
 1200 Sixth Avenue
 Seattle, Washington 98101

copy to: Confederated Tribes of the Warm Springs Indian Reservation
 Oregon
 Water Control Board
 c/o Water and Soil Office
 P.O. Box C
 Warm Springs, Oregon 97761

United States Environmental Protection Agency
 Oregon Operations Office
 811 SW 6th Avenue, 3rd Floor
 Portland, Oregon 97204

F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated and an explanation of why such additional monitoring was performed.

G. Records Contents. Records of monitoring information shall include:

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

H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of DMRs, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part IV.G, Bypass of Treatment Facilities);
 - b. Any upset which exceeds any effluent limitation in the permit (See Part IIV.H, Upset Conditions); or

- c. Violation of a maximum daily discharge limitation for any of the pollutants in Tables 1 or 2 of Section I of the permit requiring 24-hour reporting.
 2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its 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 reoccurrence of the noncompliance.
 4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
 5. Reports shall be submitted to the addresses in Part III.E Reporting of Monitoring Results.
- J. Other Noncompliance Reporting.** Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part III.E Reporting of Monitoring Results are submitted. The reports shall contain the information listed in Part III.G Records Contents.
- K. Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I) shall be submitted no later than 10 days following each schedule date.
- L. Notice of New Introduction of Pollutants.** The permittee shall provide adequate notice to the Director, Office of Water of:
 1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants; and

2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works; and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

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 CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. **Penalties for Violations of Permit Conditions.** Except as provided in permit conditions in Part IV.G Bypass of Treatment Facilities and Part IV.H Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
 1. **Civil and Administrative Penalties.** Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the CWA 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).
 2. **Criminal Penalties:**
 - a. **Negligent Violations.** Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the CWA.

- b. **Knowing Violations.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the CWA.
 - c. **Knowing Endangerment.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the CWA.
 - d. **False Statements.** Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this CWA or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this CWA, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the CWA.
- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed, or used, by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance plan and ensure that it includes appropriate best management practices (BMPs). The O&M plan shall include measures which prevent or minimize the potential for the release of nutrients to the Shitike Creek.

The Plan shall be retained on site and made available to EPA and the Confederated Tribes of the Warm Springs Indian Reservation of Oregon Water Control Board upon request.

The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:

- C Spill prevention and control
- C Optimization of chlorine and other chemical use
- C Research, develop and implement a public information and education program to control the introduction of household hazardous materials to the sewer system;
- C Water conservation.

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

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice.
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;

- c. The permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
- d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA 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.

J. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- 1. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged (This notification applies to pollutants which are not subject to effluent limitations in the permit or notification requirements under 122.42(a)(1)); or
- 2. the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to the land application plan approved in this permit.

K. Notice of New Introduction of Pollutants. The permittee shall provide adequate notice to the Director, Office of Water of:

- 1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants; and
- 2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
- 3. For the purposes of this section, adequate notice shall include information on:

- a. The quality and quantity of effluent to be introduced into such treatment works; and
- b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

L. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

1. Pollutants which create a fire or explosion hazard in the treatment works;
2. Pollutants which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes;
3. Solid or viscous pollutants in amounts which will cause obstructions to the flow in the treatment works, or interference with the proper operation of the treatment works;
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or concentration as to cause interference in the treatment works;
5. Heat in amounts which inhibit biological activity in the treatment works resulting in interference;
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presences of toxic gases, vapors, or fumes within the treatment works in quantity that may cause acute worker health and safety problems; and
8. Any trucked or hauled pollutants, except at discharge points designated by the treatment works.

M. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the CWA, including any requirements established under 40 CFR Part 403.

- N. 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.

V. GENERAL PROVISIONS

- A. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- C. 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.
- D. Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- E. Signatory Requirements.** All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

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

F. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the CWA, permit applications, permits and effluent data shall not be considered confidential.

G. Inspection and Entry. The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

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 CWA, any substances or parameters at any location.

- H. 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 CWA.
- I. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- J. 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.
- K. Transfers.** This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- L. 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 CWA.

- M. Reopener Clause.** The permitting authority may revoke and reissue the permit (following proper administrative procedures) if the limits in the permit are no longer applicable to the source.

VI. DEFINITIONS

1. "Administrator" means the Administrator of the EPA, or an authorized representative.
2. "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.
3. "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.
4. "Biosolids" means any sewage sludge or material derived from sewage sludge.
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 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.
7. "Director" means the Director of the Office of Water, EPA, or an authorized representative.
8. "DMR" mean discharge monitoring report.
9. "EPA" mean the United States Environmental Protection Agency.
10. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
11. "Maximum daily discharge limitation" means the highest allowable "daily discharge."

12. “Method Detection Limit (MDL)” means the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method.
13. “Minimum Level (ML)” means the concentration at which the entire analytical system gives recognizable signals and an acceptable calibration point.
14. “Regional Administrator” means the EPA Region 10 Regional Administrator, or an authorized representative.
15. "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.
16. A "24-hour composite" sample shall mean a time-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
17. "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.
18. “Waste stream” means any non-de minimis stream of pollutants within the permittee's facility that enters any permitted outfall or navigable waters. This includes spills and other unintentional, non-routine or unanticipated discharges.