WA0026841

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue Suite 900
Seattle, Washington 98101-3140

Authorization to Discharge under the National Pollutant Discharge Elimination System

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

Dawn Mining Company
Midnite Mine

is authorized to discharge from the Midnite Mine site located near Wellpinit, Washington, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Spokane Arm of Lake Roosevelt	47.88674º N	118.1495º W

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

This permit shall become effective

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

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

Signed this day of

D R A F T

Christine Psyk, Acting Director
Office of Water and Watersheds

Schedule of Submissions

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

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be submitted electronically on or before the 20th day of each month Submitted in electronic format to STI as required in Permit Part III.B.
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and the Spokane Tribe of Indians (STI) with written notification that the QAP has been developed and implemented within 60 days of the effective date of the final permit (see Permit Part II.A.). The Plan must be kept on site and made available to EPA and STI upon request.
3. Methylmercury Translator Study	The results of the Methylmercury Translator Study (see Permit Part II.B.) must be submitted with the NPDES Renewal Application (see 5, below)
4. Best Management Practices (BMP) Plan	The permittee must provide EPA and STI with written notification that the Plan has been developed and implemented within 90 days after the effective date of the permit (see Permit Part II.C.). The Plan must be kept on site and made available to EPA and STI upon request.
5. NPDES Renewal Application	The application must be submitted at least 180 days before the expiration date of the permit (see Permit Part V.B.).
6. Surface Water Monitoring Report	The Report must be submitted with the NPDES Renewal application (see 5, above, and Permit Part I.D.).
7. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See Permit Parts III.G. and I.B.2).
8. PCB Congeners Effluent Testing	The results must be submitted with the NPDES Renewal application (see Permit Part I.B.1., Table 1)

This list may not be exhaustive, if discrepancies occur, the requirements within the text of the permit apply.

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I. Limitations and Monitoring Requirements

A. Discharge Authorization

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

B. Effluent Limitations and Monitoring

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

TABLE 1 – Effluent Limitations and Monitoring Requirements for Outfall 001

Parameter	Units	Daily Maximum	Monthly Average	Sample Frequency	Sample Type[1]
Volume	gallons/day	Report	Report	Recording	Meter
Aluminum[2]	ug/L	93.5	50.0	1/month	Grab
Arsenic[3]	nanogram/L	1.5	0.95	1/month	Grab
Gross Alpha	pCi/L	Report	---	1/quarter[4]	Grab
Iron[2]	ug/L	Report	---	1/quarter[4]	Grab
Lead 210	pCi/L	Report	---	1/quarter[4]	Grab
Lead 212	pCi/L	Report	---	1/quarter[4]	Grab
Lead[2]	ug/L	Report	---	1/quarter[4]	Grab
Manganese[2]	ug/L	Report	---	1/quarter[4]	Grab
Mercury, total	ug/L	0.020	0.010	1/month	Grab
Polonium 210	pCi/L	Report	---	1/quarter[4]	Grab
Radium 226, dissolved	pCi/L	10	3	1/month	Grab
Radium 226, total	pCi/L	30	10	1/month	Grab
Radium 228	pCi/L	Report	---	1/quarter[4]	Grab
Sulfate	mg/L	Report	Report	1/month	Grab
Thallium	ug/L	13.1	6.5	1/month	Grab
Thorium 232	pCi/L	Report	---	1/quarter[4]	Grab
Thorium 234	pCi/L	Report	---	1/quarter[4]	Grab
Total Dissolved Solids (TDS)	mg/L	Report	Report	1/month	Grab
Uranium 234	pCi/L	76.0	41.6	1/month	Grab

TABLE 1 – Effluent Limitations and Monitoring Requirements for Outfall 001

Parameter	Units	Daily Maximum	Monthly Average	Sample Frequency	Sample Type[1]
Uranium 235	pCi/L	Report	---	1/quarter[4]	Grab
Uranium 238	pCi/L	Report	---	1/quarter[4]	Grab
Uranium, dissolved	ug/L	Report	---	1/quarter[4]	Grab
Uranium, total	ug/L	73.2	54.8	1/month	Grab
Zinc[2]	ug/L	56.1	38.5	1/month	Grab
Total Suspended Solids (TSS)	mg/L	30	20	1/month	Grab
Chemical Oxygen Demand (COD)	mg/L	200	100	1/quarter[4]	Grab
Temperature[5]	ºCelsius	Report	Report	1/month	Continuous
Chronic Whole Effluent Toxicity (WET)	Chronic Toxicity Units (TUc)	Report	---	2/year[6]	Grab
Acute WET	TUa	Report	---	2/year[6]	Grab
pH	Std. units	within the range 6.5 to 8.5		1/month	Grab
PCB Congeners[7]	picograms/L	---		Once	Grab

1. Effluent samples collected shall be representative of the effluent discharged without dilution from or contact with any outside sources. Results of analyses conducted under Permit Part I.A.1. shall be submitted monthly on the Discharge Monitoring Report (DMR). See Permit Part III.B for net DMR requirements.
2. All metals shall be analyzed as total recoverable unless otherwise indicated.
3. See Permit Part I.B.9. for compliance level requirements.
4. Quarterly samples shall be taken at least once during each calendar quarter (Jan - Mar, Apr - Jun, Jul - Sept, Oct - Dec) and submitted with the DMR for the last month of the quarter.
5. Must be measured as close to point of discharge as possible using a continuous temperature monitoring probe or similar device.
6. See Permit Part II.C. for timing and reporting requirements.
7. EPA Method 1668 analyzing all 209 congeners is required and the results shall be submitted with the reapplication package due 180 days prior to the expiration date of the permit.

2. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: aluminum, arsenic, lead, iron, manganese, mercury, uranium 234, total uranium, and zinc (See Permit Part III.G.). Violations of all other effluent limits are to be reported at the time that DMRs are submitted (See Permit Parts III.B. and III.H.).
3. The receiving water shall be free of visible oils, scum, foam, grease, and other floating and suspended materials of a persistent nature resulting from other than natural causes. The receiving water shall be monitored visually on a weekly basis.
4. The pH must not be less than 6.5 standard units (s.u.) nor greater than 8.5 s.u.

5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving water.
6. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
   a) Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Table 1 Effluent Limitations and Monitoring Requirements.
   b) Parameters that do not have effluent limitations.
      (i) The permittee must use a method that detects and quantifies the level of the pollutant, or
      (ii) The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Table 2;

Table 2 – Method Detection Limits

Parameter	(in pCi/L unless noted)
Gross Alpha	1.0
Iron[1], ug/L	20.0
Lead 210	1.0
Lead 212	50.0
Lead[1], ug/L	5.0
Manganese[1], ug/L	5.0
Polonium 210	1.0
Radium 228	1.0
Thorium 232	1.0
Thorium 234	50.0
Uranium 235	0.2
Uranium 238	0.2

[1] Measured in total recoverable.

   c) For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.
7. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if a value is less than the ML, the permittee must report “less than {numeric value of the ML}.”
8. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of the ML}. If a value is equal to or

greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the applicable compliance level, the permit limitation or ML, in assessing compliance.

9. The limits for arsenic are not quantifiable using EPA-approved analytical methods. The minimum level (ML) is 0.64 µg/L for this parameter. The EPA will use 0.64 µg/L as the compliance evaluation level for this parameter. The permittee will be compliance with the arsenic limitations if the average monthly and maximum daily concentrations are less than 0.64 µg/L.

C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct acute and chronic toxicity tests on effluent samples from outfall 005. Testing must be conducted in accordance with subsections 1 through 8, below.

1. Toxicity testing must be conducted on grab sample of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Permit Part I.B. above. The timing of sample collection should coincide with that of the sampling required in Permit Part I.B. so analysis of the split sample will also fulfill the requirements for effluent sampling.
2. Acute Test Species and Methods
   a) Acute toxicity tests must be conducted once during the months of May through October and once during the months of November through April starting during the first full six month cycle after the effective date of the permit. The effluent collected for toxicity testing must be collected at the same time as the receiving water surface water monitoring (see Permit Part I.D.).
   b) The permittee must conduct the following acute toxicity tests on each sample, using the following species and protocols:

Freshwater Acute Toxicity Tests	Species	Method
Fathead minnow 96-hour static-renewal test	*Pimephales promelas*	EPA-821-R-02-012
Daphnid 48-hour static test	*Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna*	EPA-821-R-02-012

   c) The presence of acute toxicity must be determined as specified in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA/821-R-02-012, October 2002.
   d) Acute toxicity test results must be reported in TU_a (acute toxic units), which is defined as follows:

(i) $TU_a = 100/LC_{50}$.

(ii) LC_{50} (lethal concentration, 50 percent) = the effluent concentration that would cause death to 50 percent of the test organisms.

3. Chronic Test Species and Methods

a) Short-term chronic toxicity tests must be conducted once during the months of May through October and once during the months of November through April starting during the first full six month cycle after the effective date of the permit. The effluent collected for toxicity testing must be collected at the same time as the receiving water surface water monitoring (see Permit Part I.D.).

b) The permittee must conduct the following chronic toxicity tests on each sample, using the following species and protocols:

Freshwater Chronic Toxicity Tests	Species	Method
Fathead minnow 96-hour static-renewal test	*Pimephales promelas*	EPA-821-R-02-013
Daphnid 48-hour static test	*Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna*	EPA-821-R-02-013

c) The presence of chronic toxicity must be determined as specified in the respective methods manuals corresponding to the required test method.

d) Results must be reported in TU_C (chronic toxic units), which is defined as follows:

(i) For survival endpoints, $TU_C = 100/NOEC$.

(ii) For all other test endpoints, $TU_C = 100/IC_{25}$

(iii) IC_{25} means “25% inhibition concentration.” The IC_{25} is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

(iv) NOEC means “no observed effect concentration.” The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

4. Toxicity Triggers. For the purposes of determining compliance with paragraphs I.C.6. and I.C.7., the acute toxicity trigger is defined as toxicity

exceeding 6.7 TU_a. The chronic toxicity trigger is defined as toxicity exceeding 160 TU_c.

5. Quality Assurance

   a) The toxicity testing on each organism must include a series of five test dilutions and a control as follows:

      (i) The acute series must range from 0% to 100% effluent.

      (ii) The chronic series must include: the receiving water concentration (RWC) of 0.62% (the dilution associated with the chronic toxicity trigger), one dilution below the RWC, two dilutions above the RWC, and 100% effluent.

   b) All quality assurance criteria and statistical analyses used for acute tests and reference toxicant tests must be in accordance with *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, EPA/821-R-02-012, October 2002 and the individual test protocol. All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.

   c) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

      (i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.

      (ii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.

      (iii) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA and the Spokane Tribe of Indians (STI). In no case shall water that has not met test acceptability criteria be used for either dilution or control.

6. Accelerated Testing.

   a) If acute or chronic toxicity is detected above the triggers specified in Permit Part I.C.4., above, the permittee must conduct four (see also paragraph d, below) more biweekly tests over an eight week period. This accelerated testing must be initiated within two weeks of receipt of the test results that indicate an exceedence.

   b) The permittee must notify EPA of the exceedence in writing within two weeks of receipt of the test results. The notification must include the following information:

      (i) A status report on any actions required by the permit, with a schedule for actions not yet completed.

      (ii) A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.

      (iii) Where no actions have been taken, a discussion of the reasons for not taking action.

   c) If none of the four accelerated tests exceed the toxicity trigger, the permittee may return to the normal testing frequency. If any of the four tests exceed the trigger, then the TRE requirements in Permit Part I.B.7., shall apply.

   d) Initial Investigation. If the permittee demonstrates through an evaluation of facility operations that the cause of the exceedence is known and corrective actions have been implemented, only one accelerated test is necessary. If toxicity exceeding the trigger is detected in this test, then the TRE requirements in Permit Part I.C.7. shall apply.

7. Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE):

   a) If acute or chronic toxicity triggers are exceeded during accelerated testing under Permit Part I.C.6., the permittee must initiate a toxicity reduction evaluation (TRE) in accordance with Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070) within two weeks of the exceedence. At a minimum, the TRE must include:

      (i) Further actions to investigate and identify the cause of toxicity;

      (ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

      (iii) A schedule for these actions.

   b) If a TRE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TRE.

   c) The permittee may initiate a Toxicity Identification Evaluation (TIE) as part of the TRE process. Any TIE must be performed in accordance with EPA guidance manuals, *Toxicity Identification Evaluation;*

Characterization of Chronically Toxic Effluents, Phase I (EPA/600/6-91/005F), *Methods for Aquatic Toxicity Identification Evaluations, Phase II: Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080), and *Methods for Aquatic Toxicity Identification Evaluations, Phase III: Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA-600/R-92/081).

8. Reporting

   a) The permittee must submit the results of the toxicity tests for the first or second quarter samples with the July DMR (due August 20th) and for the third or fourth quarter samples with the January DMR (due February 20th).

   b) The permittee must submit the results of any accelerated testing under Permit Part I.C.6. within 2 weeks of receipt of the results from the lab. The full report must be submitted within 4 weeks of receipt of the results from the lab. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, the result of the investigation must be submitted with the DMR for the month following completion of the investigation.

   c) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; the toxicity triggers as defined in paragraph C.4.; flow rate at the time of sample collection; and the results of the monitoring required in Permit Part I.B.

D. Surface Water (Ambient) Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start during the first full calendar quarter after the effective date of the permit. The program must meet the following requirements:

1. Monitoring stations must be established in Spokane Arm of Lake Roosevelt at the following locations:

   a) Above the influence of the facility's discharge, and

   b) below the facility's discharge, at a point where the effluent and Spokane Arm of Lake Roosevelt are completely mixed.

2. Written authorization of the surface water monitoring stations is required from STI.

3. A failure to obtain STI authorization for the surface water monitoring stations does not relieve the permittee of the surface water monitoring requirements of this permit.

4. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.

5. All ambient samples must be grab samples.
6. Zinc and lead must be analyzed as total recoverable and dissolved. Mercury must be analyzed as total. All other metals must be analyzed as total recoverable.
7. The flow rate must be measured as near as practicable to the time that other ambient parameters are sampled.

Table 3 - Surface Water Monitoring

Parameter[1]	Units	Timing[2]	
		Upstream[3]	Downstream[4]
Aluminum	ug/L	2/year	2/year
Arsenic	ug/L	2/year	2/year
Iron	ug/L	2/year	2/year
Lead 210	pCi/L	2/year	2/year
Lead	ug/L	2/year	2/year
Manganese	ug/L	2/year	2/year
Mercury, total	ug/L	2/year	2/year
Polonium 210	pCi/L	2/year	2/year
Radium 226	pCi/L	2/year	2/year
Sulfate	mg/L	2/year	2/year
Thallium	ug/L	2/year	2/year
TDS	mg/L	2/year	2/year
Uranium 234	pCi/L	2/year	2/year
Uranium 238	pCi/L	2/year	2/year
Uranium, total	ug/L	2/year	2/year
Zinc	ug/L	2/year	2/year
WET	TU_C	2/year	2/year
Temperature	ºC	2/year	2/year
pH	s.u.	2/year	2/year
Hardness	mg/L of $CaCO_3$	2/year	2/year

1 – see Permit Part I.D.6

2 – Timing of the samples should alternate calendar quarters (1Q/3Q, 2Q/4Q) to give an even number of seasonal samples throughout the permit term

3 – Upstream location should be above any influence of the discharge on the receiving water

4 – Downstream location should be at the edge of the authorized mixing zone

8. Samples must be analyzed for the parameters listed in Table 3, and must achieve MDLs that are equivalent to or less than those listed in Table 2

(Permit Part I.B.6) for parameters not limited in Permit Part I.B.1. and MLs for those limited parameters below the permit limitations except for arsenic where the ML is the compliance level.

9. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Permit Part II.A., "Quality Assurance Plan".
10. Surface water monitoring results must be submitted annually with the December DMR to EPA and STI. A report containing all available data must be submitted with the application for renewal of this permit (see Permit Part V.B.). At a minimum, the report must include the following:
    a) Dates of sample collection and analyses.
    b) Results of sample analysis.
    c) Relevant quality assurance/quality control (QA/QC) information.

II. Special Conditions

A. Quality Assurance Plan (QAP)

The permittee must update the quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and STI that the Plan has been updated and implemented within 60 days of the effective date of this permit. An existing QAP may be modified for compliance with this section.

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

4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be kept on site and made available to EPA and/or STI upon request.

B. Methylmercury Translator Study

1. The permittee shall confer and coordinate with STI Department of Natural Resources (STI-DNR) in developing and executing the Study Plan for the Methylmercury Translator Study under the Permit.
2. The permittee must design and implement a Study Plan to collect the data necessary to develop a site-specific bioaccumulation factor (BAF) and from that, a fish tissue criterion to water column criterion translator. The required formulas:

$$BAF = C_t/C_w$$

Where BAF is the bioaccumulation factor

C_t = concentration of methylmercury in fish tissue (mg/kg, wet weight)

C_w = concentration of methylmercury in water (mg/L)

and

$$WQC = TRC/BAF$$

Where WQC = water column criterion (mg/L)

TRC = fish tissue criterion (mg/kg)

BAF = bioaccumulation factor (L/kg)

3. Methylmercury water sampling from an area where the fish being analyzed live and where they are harvested shall be done biannually, changing the time of year (e.g. first year: spring/fall, second year: summer/winter, third year: fall/winter, fourth year: spring/summer) but establishing a schedule that allows for at least two samples from each season to be considered in the Translator Report (see below).
4. Sampling of fish tissue will occur every 2 years establishing a schedule that allows for at least two samples to be considered in the Translator Report (see below)
   a) Evaluation of the best method of tissue collection should be done for the Study Plan,
   b) Fish need to be collected from the geographic area that represents an average exposure to those who eat fish from the waterbody,
   c) The sampling should target tropic level 4 fish (larger, carnivorous fish) and be a commonly consumed [by humans] aquatic organism with a preference for resident over migratory species,

d) The fish should be relatively the same size with the smallest being at least 75% the length of the largest, and

e) Sampling must occur when the target species is most frequently harvested.

5. Data obtained during each calendar year of the study and a summary of that year's data shall be submitted in usable electronic format to the STI-DNR by no later than April 1st of the year immediately following the year in which the data is collected.

6. A Translator Report which compiles the collected data and proposes a translator shall be submitted with the permit reapplication, 180 days prior to the expiration date.

C. Best Management Practices Plan

1. Purpose

   Through implementation of the best management practices (BMP) plan the permittee must prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal and ancillary activities.

2. Development and Implementation Schedule

   The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee must submit written notice to EPA and STI that the Plan has been developed and implemented within 90 days of the effective date of the permit. Any existing BMP plans may be modified for compliance with this section. The permittee must implement the provisions of the plan as conditions of this permit within 90 days of the effective date of this permit.

3. Objectives

   The permittee must develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.

   a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.

   b) Under the BMP Plan and any Standard Operating Procedures included in the BMP Plan, the permittee must ensure proper operation and maintenance of water management and wastewater treatment systems. BMP Plan elements must be developed in accordance with good engineering practices.

   c) Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations

and ancillary activities including material storage areas, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.

4. Elements of the BMP Plan

   The BMP Plan must be consistent with the objectives above and the general guidance contained in Guidance Manual for Developing Best Management Practices (EPA 833-B-93-004, October 1993) and Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-006) or any subsequent revision to these guidance documents. The BMP Plan must include, at a minimum, the following items:

   a) Plan Components.

      (i) Statement of BMP policy. The BMP Plan must include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.

      (ii) Structure, functions, and procedures of the BMP Committee. The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan.

      (iii) Description of potential pollutant sources.

      (iv) Risk identification and assessment.

      (v) Standard operating procedures to achieve the above objectives and specific best management practices (see below).

      (vi) Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence.

      (vii) Materials compatibility.

      (viii) Good housekeeping.

      (ix) Inspections.

      (x) Preventative maintenance and repair.

      (xi) Security.

      (xii) Employee training.

      (xiii) Recordkeeping and reporting.

      (xiv) Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.

      (xv) Final constructed site plans, drawings and maps (including detailed storm water outfall/culvert configurations).

   b) Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under

Permit Part II.C. and which ensure that the following specific requirements are met:

(i) Solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters must be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

(ii) Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations must be referenced in the BMP Plan.

5. Review and Certification.

   The BMP Plan must be reviewed and certified as follows:

   a) Annual review by the plant manager and BMP Committee.

   b) Certified statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must be certified by the dated signatures of each BMP Committee member. The statement must be submitted to EPA on or before March 1st of each year of operation under this permit after the initial BMP submittal (the initial statement must be submitted to EPA six months after submittal of the BMP Plan).

6. Documentation

   The permittee must maintain a copy of the BMP Plan at the facility and make it available to EPA or an authorized representative upon request.

7. BMP Plan Modification

   a) The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters.

   b) The permittee must amend the BMP Plan whenever it is found to be ineffective in achieving the general objective of preventing and minimizing the generation and the potential for the release of pollutants from the facility to the waters of the United States and/or the specific requirements above.

   c) Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to EPA with the annual certification required under Permit Part D.3., above.

III. General Monitoring, Recording and Reporting Requirements

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

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

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

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

B. Reporting of Monitoring Results

The permittee must submit monitoring data and other reports electronically using NetDMR. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Permit Part V.E., Signatory Requirements.

The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from: https://netdmr.epa.gov/netdmr/public/home.htm

Absent prior written approval from the STI-DNR, the permittee shall submit all data/information contained in its DMRs in electronic format to the STI-DNR concurrent with submitting that data/information to EPA. The permittee must cooperate with STI-DNR to facilitate access to and interpretation of that data/information. The permittee's data/information shall be submitted to STI-DNR on an electronic storage medium (e.g., CD/DVD) if its total size exceeds 3MB, or by email if its total size is 3MB or less. Submissions by electronic storage medium shall be addressed to:

Spokane Tribe of Indians, Department of Natural Resources
Attn: Water & Fish Program Manager
PO Box 480
Wellpinit, WA 99040

Email submissions shall be sent to crossley@spokanetribe.com, unless otherwise specified in writing by STI-DNR. Permittee's submission of DMRs to EPA using its internet based system shall not constitute compliance with

this condition absent the Permittee obtaining prior written approval from STI-DNR.

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

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

E. Records Contents

Records of monitoring information must include:

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

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or STI at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
    a) any noncompliance that may endanger health or the environment;
    b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Permit Part IV.F., “Bypass of Treatment Facilities”);
    c) any upset that exceeds any effluent limitation in the permit (See Permit Part IV.G., “Upset Conditions”); or

d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Permit Part I.B.2.

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
   a) a description of the noncompliance and its cause;
   b) the period of noncompliance, including exact dates and times;
   c) the estimated time noncompliance is expected to continue if it has not been corrected; and
   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Permit Part III.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting

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

I. Changes in Discharge of Toxic Pollutants

The permittee must notify the Director of the Office of Water and Watersheds and STI as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
   a) One hundred micrograms per liter (100 ug/l);
   b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
   c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
   d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant

that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":

a) Five hundred micrograms per liter (500 ug/l);

b) One milligram per liter (1 mg/l) for antimony;

c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

d) The level established by EPA in accordance with 40 CFR 122.44(f).

3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue, Suite 900 OWW-191
Seattle, Washington 98101-3140

J. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

IV. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $37,500 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR 19 and the CWA, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as

amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500). Pursuant to 40 CFR 19 and the CWA, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500).

3. Criminal Penalties:

   a) Negligent Violations. The CWA provides that any person who negligently violates CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any of such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

   b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

   c) Knowing Endangerment. Any person who knowingly violates CWA §§ 301, 302, 303, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in CWA § 309(c)(3)(B)(iii), shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

   d) False Statements. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by

imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

2. Notice.

   a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.

   b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Permit Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).

3. Prohibition of bypass.

   a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:

      (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

      (iii) The permittee submitted notices as required under paragraph 2 of this Part.

   b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a) An upset occurred and that the permittee can identify the cause(s) of the upset;

   b) The permitted facility was at the time being properly operated;

   c) The permittee submitted notice of the upset as required under Permit Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and

   d) The permittee complied with any remedial measures required under Permit Part IV.D, “Duty to Mitigate.”

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

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in Permit Part III.I.3. and STI at the address in Permit Part III.B. as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Permit Part III.I ("Changes in Discharge of Toxic Substances").

J. Anticipated Noncompliance

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

V. General Provisions

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. The permittee shall submit a copy of any application or request for material modification(s) to this permit or permitted activity concurrently to the STI Water Control Board (WCB).

B. Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit. The permittee shall submit a copy of any application to EPA for reissuance of this permit concurrently to the STI-WCB.

C. Duty to Provide Information

The permittee must furnish to EPA and STI, within the time specified in the request, any information that EPA or STI may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or STI, upon request, copies of records required to be kept by this permit.

D. Other Information

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

E. Signatory Requirements

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

1. All permit applications must be signed as follows:
   a) For a corporation: by a responsible corporate officer.
   b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
   c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or STI must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a) The authorization is made in writing by a person described above;
   b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
   c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and STI.
3. Changes to authorization. If an authorization under Permit Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Permit Part V.E.2. must be submitted to the Director of the Office of Compliance and Enforcement and STI prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part must make the following certification:

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

F. Availability of Reports

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

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; STI; 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. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in Permit Part III.I.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 CWA. (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 CWA § 510.

VI. Definitions

1. "Acute Toxic Unit" ("TU_a") is a measure of acute toxicity. TU_a is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., 100/"LC_{50}").
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
4. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Calendar Quarter" means each 3 month period starting at the beginning of a year: January – March, April – June, July – September, and October – December.
7. "Chronic toxic unit" ("TU_C") is a measure of chronic toxicity. TU_C is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/"NOEC").

8. "CWA" means the Clean Water Act
9. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
10. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
11. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
12. "DMR" means discharge monitoring report.
13. "EPA" means the United States Environmental Protection Agency.
14. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
15. "Inhibition concentration", IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
16. "LC_{50}" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.
17. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
18. "Method Detection Limit (MDL)" means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
19. "Minimum Level (ML)" means means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
20. "NOEC" means no observed effect concentration. The NOEC is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest

concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

21. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under CWA §§ 307, 402, 318, and 405.
22. "QAP" means Quality Assurance Plan
23. "QA/QC" means quality assurance/quality control.
24. "RWC" means receiving water concentration, which is the concentration of the effluent in the receiving water associated with the dilution factor allowed in the mixing zone.
25. "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.
26. "State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe which has been granted treatment as a state under CWA § 518(e).
27. "STI" means Spokane Tribe of Indians
28. "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.