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

Authorization to Discharge under the National Pollutant Discharge Elimination System

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

United States Department of Defense, Department of the Navy

is authorized to discharge from the **Naval Base Kitsap Bangor** facility located in Bangor, WA, at the following location:

Outfall	Receiving Water	Latitude	Longitude
001 Cooling Water	Hood Canal	47° 44' 36"	122° 43' 51"
002 Drydock Flood Water	Hood Canal	47° 44' 36"	122° 43' 51"

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

This permit shall become effective September 1, 2010

This permit and the authorization to discharge shall expire at midnight, August 31, 2015

The permittee shall reapply for a permit reissuance on or before February 28, 2015, 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 22nd day of July, 2010

/s/
Michael A. Bussell, Director
Office of Water and Watersheds

Schedule of Submissions

The following is a summary of some of the items the permittee shall 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 shall be postmarked on or before the 20th day of the following month.
2. Quality Assurance Plan (QAP)	The permittee shall provide EPA with written notification that the Plan has been developed and implemented within 90 days after the effective date of the final permit (see II.A). The Plan shall be kept on site and made available to EPA upon request.
3. Best Management Practices (BMP) Plan	The permittee shall provide EPA with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.B). The Plan shall be kept on site and made available to EPA upon request.
4. NPDES Application Renewal	The application shall be submitted at least 180 days before the expiration date of the permit (see V.B).

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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 outfalls specified herein to Hood Canal, 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. Authorized discharges include the discharge of once through cooling water (Auxiliary Salt Water) at Outfall 001 and the discharge of drydock floodwater at Outfall 002. Drydock floodwater is that water in which ships are immersed after repairs have been completed.

B. Effluent Limitations and Monitoring

Outfall 001 Non-Contact Cooling Water

1. The permittee shall limit and monitor discharges of Auxiliary Salt Water from Outfall 001 as specified in the following table.

   All figures represent maximum effluent limitations unless otherwise indicated. The permittee shall comply with the effluent limitations, below, at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Table 1. Effluent Limitation and Monitoring Requirements

Parameter	Units	Effluent Limitation	Monitoring Requirements	
		Max Daily	Sample Frequency	Sample Type
Flow	gpd	NA	Continuous [A]	Meter
Temperature	°C	19°C [B]	Continuous [C]	Continuous [C]
Total Recoverable Copper	µg/l	N/A	Once/2 months for five years	grab

[A] The permittee shall report for each calendar month the maximum and average daily flow. The flow meter sampling interval shall be set at a minimum of once every two hours.

[B] 7-DADMax temperature

[C] The permittee shall use a temperature probe or a continuous monitoring thermistor set at a one-half hour sampling interval.

2. The permittee shall collect effluent samples at Outfall 001, or at any point preceding the outfall within the discharge line, before the discharge from the facility contacts the receiving water.

3. The addition of chemicals to cooling water prior to discharge is prohibited.

4. The discharge of cleaning solutions or solids, which are residuals of cooling system cleaning efforts, are prohibited.

5. The discharge shall not contain floating solids or oily wastes that produce a visible sheen on the surface of the receiving water.
6. The permittee shall develop and implement a Best Management Practices (BMP) Plan, in accordance with Section II.B. of this permit, to reduce or eliminate the discharge of pollutants to Hood Canal.

Outfall 002 Drydock

1. The permittee shall develop and implement a Best Management Practices (BMP) Plan to reduce or eliminate the discharge of pollutants in drydock floodwater in accordance with Section II.B. of this permit.
2. The direct discharge of hydroblast or pressure wash wastewater to Hood Canal is prohibited.
3. The direct discharge of bilge water, hydraulic fluid, and oily wastes to Hood Canal is prohibited.
4. Ballast water shall not be discharged directly onto the floors of a drydock and then discharged directly to Hood Canal except during docking/undocking evolutions.
5. Non-contact cooling water shall not be discharged directly onto the floors of a dry dock and then discharged directly to Hood Canal, except for a period of up to 72 hours after a docking and 72 hours prior to undocking.
6. The direct discharge of gray water (including discharges from any ship's galley or shower while at dockside) to Hood Canal is prohibited.
7. The discharge of solvents to Hood Canal is prohibited.
8. No wastewater shall be discharged to Hood Canal from a maintenance shop.
9. The discharge shall not contain floating solids or oily wastes that produce a visible sheen on the surface of the receiving water.
10. Sanitary wastes shall not be discharged directly to Hood Canal. If untreated sanitary wastes from vessels must be discharged, the discharge shall be to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system.
11. Whenever a vessel is in the drydock the direct discharge of stormwater from the dry dock area (dry dock side of curb) is prohibited. Accumulated caisson leakage and stormwater, on the caisson-side of the curb, not in contact with ship repair activity, may be discharged directly to Hood.

Table 2. Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitation	Monitoring Requirements	
		Sample Frequency	Sample Type
Visible Sheen	No Visible Sheen	Each Docking/Undocking Evolution	Visual

II. Special Conditions

A. Quality Assurance Plan (QAP)

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

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.

   Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.

   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.

2. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.

3. Copies of the QAP must be kept on site and made available to EPA upon request.

B. Best Management Practices Plan

1. Purpose

   Through implementation of a best management practices (BMP) Plan, the permittee shall 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 shall develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee shall submit written notice to EPA that the Plan has been developed and implemented within 180 days of the effective date of the permit. Any existing BMP plans may be modified

for compliance with this section. The BMP Plan may reference elements in other plans, permits, procedures and instructions.

The permittee shall implement the provisions of the plan as conditions of this permit within 180 days of the effective date of this permit.

3. Objectives

The permittee shall develop and amend the BMP Plan consistent with the following objectives for control of pollutants that contribute to Outfalls 001, 002 and that are generated from in-water vessel maintenance above the waterline.

a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged in the drydock, for the cooling water and for in-water vessel maintenance above the waterline shall 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 shall ensure proper operation and maintenance of water management and wastewater treatment systems. BMP Plan elements shall be developed in accordance with good engineering practices.

c) Each drydock and in-water maintenance component above the waterline or system shall 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 shall 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 shall 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), as applicable, or any subsequent revision to these guidance documents. The BMP Plan shall include, at a minimum, the following items:

a) Plan Components

(i) Statement of BMP policy. The BMP Plan shall 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 shall 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 shall 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

(i) Control of Large Solid Materials.

Floatable and low density waste, such as wood, plastic, and miscellaneous trash, such as paper, insulation, and packaging, shall be removed from the drydock floors prior to flooding.

(ii) Control and Cleanup of Paint Dust and Abrasive Blasting Debris

Dust and overspray shall be confined to the drydock areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules in the drydock. Feasible methods of control include conducting the work in a sandblast/spray shed, installing plastic barriers around the work area, confining any open spray painting operations to the drydock, and curtailing operations during windy condition when control methods are proven ineffective. The drydock is a feasible method of control provided that work practices allow no paint dust or abrasive blasting debris to be released above the lip of the dry dock.

Plastic barriers hung from the vessel or temporary structures around the vessel should be secure and arranged to prevent the fugitive emissions of

abrasive grit and dust, as well as effectively capture overspray from spray painting activities. The bottom edge of tarpaulins and plastic sheeting shall be weighted or fastened to remain in place during windy conditions. Operation shall be curtailed during windy conditions when control methods prove ineffective. Consideration shall also be given to other feasible innovative procedures, as appropriate, to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include ultra-high pressure water blasting, wet abrasive blasting (slurry blasting), product substitution for blasting media, e.g., sodium bicarbonate, or overall waste minimization and recycling, e.g., the use of vacuum return sandblasting heads or steel shot blast technology.

Cleanup of spent paint, paint chips, protective coating materials, and abrasive grit shall be undertaken as part of the repair or production activities, to the extent maximally feasible, as to prevent their entry into waters of the United States. Vessels shall be set on the drydock ways to afford accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive. The drydock shall be cleaned of spent sandblast grit and debris prior to launching a vessel. Cleaning may be accomplished by either manual or mechanical means. Flooding with standing piles of spent abrasive on the floor is prohibited.

A pre-flood inspection and checklist with formal sign-off such as the Dry Dock Bill shall demonstrate the condition of the dry dock floor prior to launching every vessel. A logbook shall be maintained and include the name of the vessel and the date the vessel was launched.

The drydock shall be cleaned on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water. Collected sandblasting debris shall be stored under cover in a designated area with the spent abrasive grit. Innovations and procedures which improve the effectiveness of cleanup operations shall be adopted where they are feasible, appropriate, and can be demonstrated as preventing the discharge of solids to water.

(iii) In-Water Vessel Maintenance – Surface Preparation BMPs

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is at a permitted shipyard facility. All blasting and sanding activities must be performed within a fully contained enclosure with negative pressure ventilation and air filtration.

These activities are only allowed if containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the United States:

- Mechanical hand preparation such as scraping or wire brushing;

- Conventional mechanical grinding or use of other powered mechanical abrading tools; and
- Conventional dry abrasive blasting on the vessel's hull while it is in the water is prohibited unless fully contained with negative air pressure and filtration.
- EPA must be notified at least 30 days prior to use of an innovative spray painting or spray coating application method.

(iv) In-Water Vessel Maintenance - Paint and Coating Application BMPs

The following methods of paint and coating applications to a vessel's hull while in the water at an NPDES permitted shipyard are allowed provided that all containment, collection, and spill prevention BMPs are in place before any such applications are made to a vessel's hull.

- Application by roller;
- Application by brush; and
- Conventional spray-paint applications to a vessel's hull while that vessel is in the water are prohibited unless it is fully contained.
- EPA must be notified at least 30 days prior to use of an innovative spray painting or spray coating application method.

(v) BMPs for Floats used for In-Water Vessel Maintenance

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull.

Floats shall at all times maintain a minimum of 2" of freeboard at the floats lowest point during all phases of maintenance operations. The minimum 2" freeboard requirement must be maintained with all scaffolding configurations and number of persons on board the float. All necessary precautions will be taken by personnel on board the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.

Any container of paint, marine coating, or any other liquid product for painting or surface preparation of one gallon or greater must be provided with secondary containment when used on board a float. All roller pans used on a float must be provided with secondary spill containment. Secondary spill containment capacity is equal to the entire volume of the container plus 10% of the volume of that same container.

(vi) Documentation Requirements for In-Water Vessel Maintenance BMPs

Documentation requirements will be in effect for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving 1/2 gallon or more of paint or marine coating.

Documentation is at a minimum an inspection and checklist with formal sign-off of all in-water vessel maintenance BMPs which are implemented for surface preparation operations and all painting and coating operations.

The checklist shall be dated and maintained in a logbook with all necessary descriptive narrative of the in-water vessel maintenance BMPs being documented. These records shall be made available to an EPA inspector upon request and will be retained on site for at least three (3) years.

(vii) Contact between Water and Debris

Shipboard cooling and non-contact cooling water shall be directed as to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams.

(viii) Maintenance of Hoses, Soil Chutes, and Piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater shall be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers shall be tightly connected and as leak free as practicable.

(ix) Recycling of Spilled Chemicals and Rinse Water

Any intercepted chemical spill shall be recycled back to the appropriate chemical solution tank or cleaned up and disposed of properly. The spilled material must be handled, recycled or disposed of in such a manner as to prevent its discharge into waters of the United States.

(x) Education of Employees, Contractors, and Customers

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee shall develop a program for training its applicable employees, and contractors who work at the facility, on BMPs and the environmental concerns related to this permit. There are a variety of ways to accomplish this and the Permittee should determine the method that works best for the company. For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention.

III. General Monitoring, Recording and Reporting Requirements

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

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

In order to ensure that the effluent limitations set forth in this permit are not violated at times other than when routine samples are taken, the permittee shall 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 shall analyze the additional samples for those parameters limited in Part I.A. of this permit that are likely to be affected by the discharge.

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

B. Reporting of Monitoring Results

The permittee shall summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee shall submit reports **monthly**, postmarked by the 20th day of the following month. The permittee shall sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The permittee shall submit the legible originals of these documents to the Director, Office of Compliance and Enforcement at the following address:

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

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information shall 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 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, 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 at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
   a) any noncompliance that may endanger health or the environment;
   b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., "Bypass of Treatment Facilities");
   c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions"); or
2. The permittee shall 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 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 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 shall be submitted to the address in Part III.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting

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

I. Changes in Discharge of Toxic Pollutants

The permittee shall notify the Director of the Office of Water and Watersheds 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).

   The permittee shall 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, OWW-130
   Seattle, Washington 98101

J. Compliance Schedules

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

IV. Compliance Responsibilities

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

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

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $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 Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $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 Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

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

   c) Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the

Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

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

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 shall 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 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 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 shall submit prior written 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 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 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 III.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and

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

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

H. Toxic Pollutants

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

I. Planned Changes

The permittee shall give written notice to the Director of the Office of Water and Watersheds as specified in Part III.I.3. 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 Part III.I. ("Changes in Discharge of Toxic Substances").

J. Anticipated Noncompliance

The permittee shall give written advance notice to the Director of the Office of Compliance and Enforcement 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.

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 shall 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 shall submit a new application at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

The permittee shall furnish to EPA within the time specified in the request, any information that EPA 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 EPA 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 it shall promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

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

1. All permit applications shall 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 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;
   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
3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2. shall be submitted to the Director of the Office of Compliance and Enforcement 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 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

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim shall 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 shall allow the Director of the Office of Compliance and Enforcement, EPA Region 10; Ecology; 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 shall be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of

other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

VI. Definitions

1. "1-DMax" or "highest 1-day maximum temperature" means the highest water temperature reached on any given day. This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of thirty minutes or less.
2. "7-DADMax" means the arithmetic average of seven consecutive measures of daily maximum temperatures. The 7-DADMax for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.
3. "Act" means the Clean Water Act.
4. "Administrator" means the Administrator of the EPA, or an authorized representative.
5. "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.
6. "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.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
8. "Composite" is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow – also see "24-hour composite".

9. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
10. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
11. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
12. "DMR" means discharge monitoring report.
13. "Ecology" means the Washington State Department of Ecology.
14. "EPA" means the United States Environmental Protection Agency.
15. "Geometric Mean" means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
16. "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
17. "Interim Minimum Level (IML)" is used when a method-specific "Minimum Level (ML)" has not been published by EPA. The IML is equal to 3.18 times the method-specified "Method Detection Limit (MDL)". The IML for non-metals is rounded to the nearest multiple of 2, 5, 10, 20, 50.
18. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
19. "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.
20. "Minimum Level (ML)" means the concentration at which the entire analytical system shall give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.
21. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
22. "QA/QC" means quality assurance/quality control.
23. "Recorder" requires the continuous operation of a chart and/or totalizer.
24. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

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. “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.

27. “24-hour composite” sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24 hour period. The composite shall be flow proportional. The sample aliquots 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.