



## 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:

<b>Item</b>	<b>Due Date</b>
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly before the 20 <sup>th</sup> of each month.
2. Operation and Maintenance Plan	The permittee must provide EPA and Nez Perce Tribe with written notification that the Plan has been developed and implemented within 60 days after the effective date of the final permit (see II.A.). The Plan must be kept on site and made available to EPA and Nez Perce Tribe upon request
3. Quality Assurance Plan (QAP)	The permittee must provide EPA and Nez Perce Tribe with written notification that the Plan has been developed and implemented within 60 days after the effective date of the final permit (see II.B.). The Plan must be kept on site and made available to EPA and Nez Perce Tribe upon request.
4. Best Management Practices (BMP) Plan	The permittee must provide EPA and Nez Perce Tribe with written notification that the Plan has been developed and implemented within 90 days after the effective date of the final permit (see II.C.). The Plan must be kept on site and made available to EPA and Nez Perce Tribe upon request.
5. NPDES Application Renewal	The application must 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 the Clearwater River, 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 in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

<b>Table 1 - Outfall 001 Effluent Limitations and Monitoring Requirements</b>					
Parameter	Units	Effluent Limitations		Monitoring Requirements	
		Average Monthly	Maximum Daily	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	mg/L	30	45	1/Month	Grab
	lbs/day	25	38	1/month	Calculation
pH	standard units	Within the range of 6.5 to 9.0		1/Week	Grab
Flow <sup>1</sup>	gpd	--	--	1/Day	Estimate
Hardness <sup>2</sup>	mg/l as CaCO <sub>3</sub>	--	--	1/Month	Grab
Aluminum	µg/L	--	--	1/Year	Grab
Metals <sup>3</sup>	µg/L	--	--	1/Year	Grab
Temperature	°C	--	--	1/Week	Grab
Turbidity	NTUs	--	--	1/Month	Grab

1. Flow estimate based on facility operation (i.e. backwash volume and frequency, etc.). Report average monthly and maximum daily gpd.
2. Hardness shall be sampled at the same time metal samples are collected.
3. Metals include: antimony, arsenic, beryllium, cadmium, total chromium, copper, lead, nickel, selenium, silver, thallium, and zinc. These parameters must be measured and reported as total recoverable.

2. If no discharge to surface waters occurs during the reporting period, “no discharge” shall be reported on the DMR.
3. The Permittee must not discharge hazardous materials in concentrations that pose a threat to public health or impair the beneficial uses of the receiving water.
4. The Permittee must not discharge chemicals or toxic pollutants in concentrations that impair the beneficial uses of the receiving water.
5. The Permittee must not discharge deleterious materials in concentrations that

impair the beneficial uses of the receiving water.

6. The Permittee must not discharge floating, suspended or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair the beneficial uses of the receiving water.
7. The Permittee must not discharge excess nutrients that can cause visible slime growth or other nuisance aquatic growths impairing beneficial uses of the receiving water.
8. Dilution of effluent as a form of treatment, or as a means of complying with concentration-based effluent limitations, is prohibited.
9. The discharge of sediment in quantities which impair beneficial uses is prohibited
10. The pH must not be less than 6.5 standard units (s.u.) nor greater than 9.0 standard units (s.u.).
11. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
12. Minimum Levels. For all effluent monitoring, the Permittee must use a sufficiently sensitive analytical method which meets the following criteria:
  - a. Parameters with an effluent limit. The analytical method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Appendix A, below.
  - b. Parameters without an effluent limit.
    - (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 Appendix A. "Minimum Levels;"
  - c. For a parameter that does not have an effluent limit, the Permittee may request a different ML from the EPA. The request must be in writing to the EPA Region 10 NPDES Permits Unit Manager and must be approved by EPA in writing before the alternative ML will apply to the Permittee.
13. See also Part III.C. "Monitoring Procedures. 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}."
14. 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 compliance level, the ML, in assessing compliance.

## II. Special Conditions

### A. Operation and Maintenance Plan

In addition to the requirements specified in Part IV.E, Proper Operation and Maintenance, the permittee must develop and implement an Operations and Maintenance (O&M) Plan for the wastewater treatment facility. Any existing O&M Plan may be modified for compliance with this section. Any changes occurring in the operation of the plant must be reflected within the O&M Plan.

Within 60 days of the effective date of this permit, the permittee must submit written notice to EPA and Nez Perce Tribe that the O&M Plan has been developed and implemented.

The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_ID0001058\_O&M\_50108. Where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or Nez Perce upon request.

### B. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAPs may be modified for compliance with this section.

Within 60 days of the effective date of this permit, the permittee must submit written notice to EPA and Nez Perce Tribe that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_ID0001058\_QAP\_55099. Where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or Nez Perce Tribe upon request.

1. The QAP must be designed to assist in planning for the collection and analysis of environmental samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the Permittee shall use the EPA-approved quality assurance and control (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). Copies of these documents can be found at <http://www.epa.gov/quality/qs-docs/r5-final.pdf> and <http://www.epa.gov/quality/qs-docs/g5-final.pdf>. The QAP must be prepared in the format which is specified in these documents.
3. At a minimum, the QAP shall include the following:
  - a. Details on the number of samples, detailed sampling locations, type of sample containers, preservation of samples, holding times, analytical detection and

quantitation limits for each target compound, analytical methods, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;

- b. A map indicating the location of each monitoring point;
  - c. Qualifications and training of all personnel involved with water quality sampling;
  - d. Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field transfer blanks (sample blanks); and,
  - e. 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 the EPA and/or the Nez Perce Tribe upon request.

### **C. Best Management Practices Plan**

1. The Permittee must develop and implement a best management practices (BMP) plan which incorporates practices that achieve the objectives and specific requirements listed below. The Permittee must operate the drinking water treatment facility in accordance with this BMP Plan and with subsequent amendments to the Plan. Through implementation of the BMP Plan, the Permittee must prevent or minimize the generation and the potential for the release of pollutants from the facility.
2. The Permittee must develop or modify, as appropriate, a BMP Plan within 90 days of the effective date of this permit and certify to EPA and the Nez Perce Tribe in writing, the development and implementation of the BMP Plan. The certification must be received by EPA and Nez Perce Tribe within 90 days of the effective date of this Permit.
3. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_ID0001058\_BMP. Where YYYY\_MM\_DD is the date that the permittee submits the written notification.
4. Any existing BMP Plans developed previously by existing Permittees must be modified, as necessary, to ensure compliance with this section within 90 days of the effective date of this Permit. Existing Permittees must certify to EPA and Nez Perce Tribe in writing, in accordance with Part III, the modification of the BMP Plan and compliance with this section. After the first 90 days from the effective date of this Permit, any changes made to the BMP Plan must follow subpart 7 below.



5. The Permittee must develop and/or amend the BMP Plan to include 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 Plan, the Permittee must ensure the proper operation and maintenance of water management and wastewater from DWTF processes, and the control of the discharge or potential release of pollutants to the receiving water; and
  - c. Evaluations for the Pollutants of Concern by conducting the following evaluations:
    - i. 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 U.S. due to equipment failure, improper operation, or natural phenomena (i.e. rain, snowfall, etc.). The examination must include all normal operations and ancillary activities, including material storage areas, storm water, in-plant transfer, material handling and processing areas, spillage or leaks, residuals, sludge and waste disposal, or other activities.
    - ii. Where experience indicates a reasonable potential for equipment failure, natural conditions or other circumstances which will result in significant amounts of pollutants reaching surface waters of the U.S., the Plan should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
6. The BMP Plan must be consistent with the objectives listed above and the general guidance contained in the publication entitled *Guidance Manual for Developing Best Management Practices (BMPs)*(EPA-833-B-93-004, 1993) and any subsequent revisions to this guidance document. The BMP Plan must:
  - a. Be written in narrative form and must include any necessary system schematics, drawings or maps and be developed in accordance with good engineering practices; and,
  - b. Be organized and written with the following structure:
    - 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 and the intent and goals of the BMP Plan.

- ii. Name and location of the facility;
- iii. Description of potential pollutant sources;
- iv. Specific management practices and standard operating procedures, including, but not limited to,
  1. The modification of equipment, facilities, technology, processes, and procedures;
  2. The reformulation or redesign of products;
  3. The substitution of materials; and/or,
  4. The improvement in management, inventory control, materials handling, or general operational phases of the facility.
- v. Risk identification and assessment of discharges, including but not limited to,
  1. Review of existing materials and plans, as a source of information, to ensure consistency and to eliminate duplication;
  2. Characterization of actual and potential pollutant sources that might be subject to release;
  3. Evaluations of potential pollutants released based on the hazards they present to human health and the environment; and
  4. Identification of pathways through which pollutants identified at the site might reach environmental and human receptors.
- vi. Reporting of BMP incidents. The written report to EPA and Nez Perce Tribe, due within seven (7) days after the incident has been successfully addressed, must include a description of the circumstances leading to the incident, corrective actions taken, and recommended changes to operation and maintenance practices and procedures to prevent incident recurrence;
- vii. Materials Compatibility;
- viii. Good Housekeeping;
- ix. Preventative Maintenance and Repair;
  - x. Inspections;
  - xi. Security;
  - xii. Recordkeeping and Reporting;
- xiii. Employee Training;
- xiv. Prior evaluation of any planned modifications to the facility in order to ensure that the requirements of the BMP Plan are considered as part of the modifications; and
- xvii. Any final constructed site plans, drawings and maps (including detailed

stormwater outfall/culvert configurations).

- c. Establish specific BMPs or other measures which ensure the following:
    - i. Proper management of solid and hazardous waste in accordance with regulations promulgated under RCRA. Management practices required under RCRA regulations must be referenced in the BMP Plan; and
    - ii. Requirements for air emissions under applicable state and federal air quality regulations and permits are reflected;
  - d. Include the following minimum set of BMPs:
    - i. Ensure that solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters are disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the U.S.;
    - ii. Reduce spillage and leaks from the remediation system through the use of good spill prevention techniques and other handling and collection methods;
    - iii. Use of local containment devices where chemicals are being unpackaged and where wastes are being stored and transferred;
7. The Permittee must maintain a copy of the BMP Plan on-site at the facility and make it available to EPA, Nez Perce Tribe, or an authorized representative upon request.
  8. The Permittee must amend the BMP Plan whenever there is a change in the facility and/or related activities that materially increase the generation of pollutants or their release or potential release to the receiving surface water.
    - a. The Permittee must also amend the BMP Plan, as appropriate, when the operations and maintenance procedures covered by the BMP Plan change;
    - b. Any such changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. Any changes to the BMP Plan must be certified and reported to the EPA and the Nez Perce Tribe in writing with the annual certification.
  9. The BMP Plan must be reviewed and certified as follows:

There must be an annual review by the plant manager and appropriate staff.
  10. Through implementation of the BMP Plan, the Permittee must:
    - a. Prevent or minimize the generation and the potential for the release of pollutants to waters of the U.S. through normal operations and ancillary activities; and,

- b. Ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

### **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 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 Part V.E, of this permit *Signatory Requirements*.

The permittee must use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from:

<https://netdmr.epa.gov/netdmr/public/home.htm>

Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_ID0001058\_Report Type Name\_Identifying Code. Where YYYY\_MM\_DD is the date that the permittee submits the attachment.

The permittee must also submit DMRs and other reports to the Nez Perce Tribe.

#### **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 Nez Perce Tribe 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 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
  - d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Footnote 1 of Table 1.

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.
2. 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.
  3. Reports must be submitted to the addresses in 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 Part III.B (“Reporting of Monitoring Results”) are submitted. The reports must 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 must notify the Director of the Office of Water and Watersheds and Nez Perce Tribe 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 EPA's Office of Water and Watersheds and the Nez Perce Tribe at the following address:

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

Nez Perce Tribe  
Attn: Ken Clark, Director  
Water Resources Division  
Nez Perce Tribe  
P.O. Box 365  
Lapwai, ID 83540

## **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 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 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$52,414 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 Part 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 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$20,965 per violation, with the maximum amount of any Class I penalty assessed not to

exceed \$52,414). Pursuant to 40 CFR Part 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 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$20,965 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$262,066).

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 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 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:
  - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. 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 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 must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Act 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 part III.I.3. and Nez Perce Tribe 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 must give written advance notice to the Director of the Office of Compliance and Enforcement and Nez Perce Tribe 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 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.

### **C. Duty to Provide Information**

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

**E. Signatory Requirements**

All applications, reports or information submitted to EPA and Nez Perce Tribe 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 Nez Perce Tribe 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 Nez Perce Tribe.
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. must be submitted to the Director of the Office of Compliance and Enforcement and Nez Perce Tribe 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 Act, 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; Nez Perce Tribe; 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 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. Tribal 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 tribal law or regulation under authority preserved by Section 510 of the Act.

### **VI. Definitions**

1. “Act” means the Clean Water Act.
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. “Daily discharge” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
7. “Director of the Office of Compliance and Enforcement” means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
8. “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.
9. “DMR” means discharge monitoring report.
10. “EPA” means the United States Environmental Protection Agency.
11. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.

12. “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)”.
13. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
14. “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.
15. “Minimum Level (ML)” means the concentration at which the entire analytical system must 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.
16. “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.
17. “QA/QC” means quality assurance/quality control.
18. “Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
19. “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.
20. “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.

## APPENDIX A. MINIMUM LEVELS

The tables below list the maximum Minimum Level (ML) for pollutants in the permit. The Permittee may request different MLs from the EPA. The request must be in writing to the EPA Region 10 NPDES Permit Unit Manager and must be approved by EPA before any alternative MLs will apply to the Permittee.

**CONVENTIONAL PARAMETERS**

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Total Suspended Solids	5 mg/L
Temperature (max. 7-day avg.)	0.2° C
pH	N/A

**NONCONVENTIONAL PARAMETERS**

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Total Alkalinity	5 mg/L as CaCO <sub>3</sub>
Chlorine, Total Residual	50.0
Aluminum, Total (7429-90-5)	10

**PRIORITY POLLUTANTS**

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
<b>METALS, CYANIDE &amp; TOTAL PHENOLS</b>	
Antimony, Total (7440-36-0)	1.0
Arsenic, Total (7440-38-2)	0.5
Beryllium, Total (7440-41-7)	0.5
Cadmium, Total (7440-43-9)	0.25
Chromium, Total (7440-47-3)	1.0
Copper, Total (7440-50-8)	2.0
Lead, Total (7439-92-1)	0.5
Nickel, Total (7440-02-0)	0.5
Selenium, Total (7782-49-2)	1.0
Silver, Total (7440-22-4)	0.2
Thallium, Total (7440-28-0)	0.36
Zinc, Total (7440-66-6)	2.5
<b>VOLATILE COMPOUNDS</b>	
Bromoform (75-25-2)	2.0
Chloroform (67-66-3)	2.0



<b>Pollutant &amp; CAS No. (if available)</b>	<b>Minimum Level (ML) <math>\mu\text{g/L}</math> unless specified</b>
Dibromochloromethane (124-48-1)	2.0
Dichlorobromomethane (75-27-4)	2.0