



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
NPDES Permit No. DC0000345**

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 National Park Service  
National Mall & Memorial Parks  
900 Ohio Drive, S.W.  
Washington, D.C. 20024**

is authorized to discharge from a facility located at

**National World War II Memorial  
17<sup>th</sup> Street and Independence Avenue, S.W.  
Washington, D.C. 20024**

to receiving waters named

**Tidal Basin: An impoundment bordering the Middle Potomac River and the  
Washington Ship Channel**

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

This permit shall become effective **(30 days from issuance)**.

This permit and the authorization to discharge shall expire at midnight, **(5 years from effective date)**.

This permit and the authorization to discharge shall expire five (5) years from the date of issuance, unless the permittee has submitted a complete and timely application for a new permit, and the U.S. Environmental Protection Agency (EPA), through no fault of the permittee, does not issue a new permit before the expiration date of this permit. In such a case, the permit will be administratively extended until EPA issues a new permit.

The permittee shall apply for permit reissuance on or before **(date)**, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this \_\_\_\_ day of **(Month, Year)**

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Catharine McManus, Acting Director  
Water Protection Division  
U.S. EPA Region III

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## PART I. DISCHARGE DESCRIPTION AND MONITORING REQUIREMENTS

### PART I. A. AUTHORIZED DISCHARGES

This permit authorizes the discharge of stormwater comingled with groundwater and pool flushings collected from the World War II Memorial site to the Tidal Basin that comply with the requirements of this permit. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters. Samples taken in compliance with the monitoring requirements specified below shall be taken at the wet well due to the inaccessibility of Outfall 001.

### PART I. B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from the Tidal Basin via Outfall 001. These discharges are subject to the special condition provisions found in Part III of this permit. As specified below, the discharge shall be monitored at the wet well located under the main plaza prior to pumping to the Tidal Basin and discharging via Outfall 001 No. 001 latitude: 38° 53' 15" N longitude: 77° 2' 26" W

Parameter	Discharge Limitation				Monitoring Requirements <sup>(1)(2)</sup>	
	Mass Units (lbs/day)		Concentration (mg/L)		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD) <sup>(4)</sup>	N/A	N/A	N/A	Report	Continuous	Recorded
Total Suspended Solids	N/A	N/A	30	60	Monthly <sup>(3)</sup>	Grab <sup>(5)</sup>
Total Phosphorus	Monitor & Report Only				Quarterly <sup>(3)</sup>	Grab <sup>(5)</sup>
Total Nitrogen <sup>(6)</sup>	Monitor & Report Only				Quarterly <sup>(3)</sup>	Grab <sup>(5)</sup>
Oil and Grease	N/A	N/A	10	15	Monthly <sup>(3)</sup>	Grab <sup>(5)</sup>
Iron	Monitor & Report Only. See Part III Section B				Monthly <sup>(3)</sup>	Grab <sup>(5)</sup>
<i>E. coli</i>	Monitor & Report Only. See Part III Section A				Monthly <sup>(3)</sup>	Grab <sup>(5)</sup>
pH (Std units)	6.0 - 8.5				Monthly <sup>(3)</sup>	Grab <sup>(5)</sup>
Total Residual Chlorine <sup>(7)</sup>	N/A	N/A	<0.1	Report	Monthly <sup>(3)</sup>	Grab <sup>(5)</sup>
The discharge shall be free from floating solids, sludge deposits, debris, and scum in other than trace amounts.						

See page 6 for explanation of endnotes.

**Endnotes for Outfall 001**

- (1) Discharge samples for Outfall 001 must be taken from the wet well located underneath the main plaza due to the inaccessibility of Outfall 001. Changes in sampling location must be approved in writing by the U.S. Environmental Protection Agency (EPA). Sampling discharges from the facility must yield data representative of the discharge under authority of CWA Section 308(a) and in accordance with 40 Code of Federal Regulations (C.F.R.) § 122.41(j), § 122.44(i), and § 122.48.
- (2) In addition to the monitoring requirements set forth in the table above the discharge from at least one **storm event** shall be monitored each month. A **storm event (rainfall or snow melt) is greater than 0.1 inches** in magnitude and occurs at least 72 hours from the previously measurable (i.e., greater than 0.1 inch) storm event. All samples are to be taken within thirty (30) minutes of the beginning of the discharge. If collection of grab sample(s) during the first thirty minutes is impracticable, grab sample(s) must be taken as soon after that as possible, and the Permittee shall record and keep as part of the Permittee's Stormwater Pollution Prevention Plan (SWPPP) a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable (See Part I.D.6.b). If no storm event results in a discharge from Outfall 001 during the monthly monitoring period, then a dry weather discharge shall be monitored instead. A dry weather discharge is any discharge that occurs from outfall 001 which is not a result of a storm event but rather from a combination of any of the other permitted discharges including groundwater, pool, and fountain water.
- (3) Measurement frequency of monthly is defined as the recording of one measurement for each calendar month. A measurement of quarterly is defined as the recording of one measurement for each calendar quarter. Calendar quarters are defined as January through March, inclusive, April through June, inclusive, July through September, inclusive and October through December, inclusive. During quarters when no tests are performed or required, a "no discharge" code shall be entered for that quarter.
- (4) Flow shall be reported in the quarterly DMR from Outfall 001 in million gallons per day. The Permittee shall also record each quarter's discharge flow along with the following in its Stormwater Pollution Prevention Plan (SWPPP):
  - (1) the date and duration of the storm event, (2) the antecedent dry period (time elapsed in hours since the last measurable storm greater than 0.10 inches), (3) the total precipitation accumulated, in inches, during the wet weather event; and (4) additional comments pertaining to the collection of samples. See Part I.D.
- (5) In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O, for the analysis of pollutants or pollutant parameters limited in this permit. A method is considered "sufficiently sensitive" when either: (1) the method minimum level (ML) is at or below the level of the effluent limit established in this permit for the measured pollutant or pollutant parameter; or (2) the method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O for the measured pollutant or pollutant parameter. The ML is not the minimum level of

detection, but rather the lowest level at which the test equipment produces a recognizable signal and acceptable calibration point for a pollutant or pollutant parameter, representative of the lowest concentration at which a pollutant or pollutant parameter can be measured with a known level of confidence. For the purposes of this permit, the detection limit is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions (i.e., the level above which an actual value is reported for an analyte, and the level below which an analyte is reported as non-detect).

- (6) Total Nitrogen is the sum of Total Kjeldahl Nitrogen (organic and reduced), ammonia, and nitrate-nitrite.
- (7) The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1 mg/L and monitored by grab samples whenever discharges of chlorinated pool and fountain water occur. If a discharge occurs more often than once in a month, the monthly reporting shall be the thirty-day average of the values.

## PART I. C. MONITORING AND REPORTING

The monitoring program in the permit specifies sampling and analysis, which will provide continuous information on compliance and the reliability and effectiveness of the installed pollution abatement equipment. The approved analytical procedures found in 40 C.F.R. Part 136 are required unless other procedures are explicitly required in the permit. The Permittee is obligated to monitor and report sampling results to EPA and DC's Department of Energy and Environment (DOEE) within the time specified within the permit. Unless otherwise specified in this permit, the permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

### 1. Submittal of DMRs Using NetDMR

As of December 21, 2016 all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR §127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), §122.22, and 40 CFR part 127. Part 127 is not intended to undo existing requirements for electronic reporting.

The permittee must electronically submit Discharge Monitoring Reports (DMRs) using EPA's NetDMR electronic reporting tool found at: (<https://netdmr.epa.gov/netdmr/public/login.htm>). The permittee must also submit analytical data sheets from any laboratory it uses through the NetDMR system as attachments to the DMR. The Permittee shall continue to submit its monthly monitoring data in discharge monitoring reports (DMRs) to EPA and DOEE no later than the 15th day of the month electronically using NetDMR. When the Permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to EPA or DOEE.

### 2. Submittal of requests, reports, and studies

Beginning the effective date of the permit the permittee must submit its monthly monitoring data in discharge monitoring reports (DMRs) to EPA no later than the 15<sup>th</sup> day of the month following the completed reporting period. The following requests, reports, and information described in this permit shall be submitted to the EPA electronically:

- a. Transfer of Permit notice
- b. Request for changes in sampling location
- c. Written notifications required under Part II – Standard Conditions
- d. Additional reports required in Part III – Special Conditions
- e. Initial certification required by the SWPPP

#### Submittal of Reports as NetDMR Attachments

The permittee shall electronically submit all reports to EPA as NetDMR attachments rather than as hard copies, unless otherwise specified in this permit.

Because the due dates for reports described in this permit may not coincide with the due date for submitted DMRs (which is no later than the 15<sup>th</sup> day of the month), a report submitted electronically as a NetDMR attachment shall be considered timely if it is electronically submitted to EPA using NetDMR with the next DMR due following the particular report due date specified in this permit.

### 3. Endangered Species Annual Reporting

The permittee shall submit an annual summary of the monitoring data contained on its Discharge Monitoring Reports (DMRs) to the following addresses, no later than February 15 of each year following the year for which the summary is provided:

U.S. Environmental Protection Agency  
Water Protection Division  
Chief, NPDES Permits Branch  
1650 Arch Street (3WP41)  
Philadelphia, Pennsylvania  
19103-2029

NOAA National Marine Fisheries Service  
Protected Resource Division  
55 Great Republic Drive  
Gloucester, Massachusetts  
01930-2276

Associate Director  
Fisheries and Wildlife Division  
Department of Energy and Environment  
Government of the District of Columbia  
1200 First Street NE, 5<sup>th</sup> floor  
Washington, DC 20002



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**PART II. STANDARD CONDITIONS**

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**PART II. A. GENERAL CONDITIONS**

**1. Duty to Comply**

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

- a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- b. The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any of such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402 (a)(3) or 402 (b)(8) of the CWA is subject to a civil penalty. Any person who negligently or knowingly violates such requirements is subject to a fine or by imprisonment, or both.
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA.

Note: See 40 CFR §122.41(a) for complete “Duty to Comply” regulations.

**2. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notifications of planned changes or anticipated noncompliance does not stay any permit condition.

**3. Duty to Provide Information**

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

**4. Reopener Clause**

The effluent limitations in this permit are based on the District of Columbia’s water quality standards and TMDL documents prepared in accordance with the Clean Water Act. In the event of a revision of the District of Columbia’s water quality standards and/or the TMDLs, this permit may be modified by EPA to reflect this revision. The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of

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compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

Federal regulations pertaining to permit modification, revocation and reissuance, and termination are found at 40 CFR §122.62, 122.63, 122.64, and 124.5.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges.

7. Confidentiality of Information

- a. In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, 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. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).
- b. Claims of confidentiality for the following information will be denied:
  - (1) The name and address of any permit applicant or permittee;
  - (2) Permit applications, permits, and effluent data as defined in 40 CFR §2.302(a)(2).
- c. Information required by NPDES application forms provided by the Regional Administrator under 40 CFR §122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

8. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

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9. State Authorities

Nothing in Part 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local laws and regulations.

**PART II. B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. 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 and with the requirements of storm water pollution prevention plans. 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 only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

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

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment

4. Bypass

a. Definitions

- (1) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) *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 be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs B.4.c. and 4.d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of unanticipated bypass as required in paragraph D.1.e of this part (Twenty-four hour reporting).

d. Prohibition of bypass

Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) i) The permittee submitted notices as required under Paragraph 4.c. of this section.  
ii) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph 4.d. of this section.

5. Upset

- a. Definition. *Upset* means an exceptional incident in which there is an 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.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph B.5.c. of this

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section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in paragraphs D.1.a. and 1.e. (Twenty-four hour notice); and
  - (4) The permittee complied with any remedial measures required under B.3. above.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

## PART II. C. MONITORING REQUIREMENTS

### 1. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records for monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.
- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.

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- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine or by imprisonment, or both.

2. Inspection and Entry

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

- a. 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;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

**PART II. D. REPORTING REQUIREMENTS**

1. Reporting Requirements

- a. **Planned Changes.** The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR§122.29(b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantities of the pollutants discharged. This notification applies to pollutants which are subject neither to the effluent limitations in the permit, nor to the notification requirements at 40 CFR§122.42(a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. **Anticipated noncompliance.** The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. **Transfers.** This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and

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reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR Part 122.61; in some cases, modification or revocation and reissuance is mandatory.)

- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
  - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
  - (3) Calculations for all limitations which require averaging or measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Twenty-four hour reporting
- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.  
  
A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
    - (a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
    - (b) Any upset which exceeds any effluent limitation in the permit.
    - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
  - (3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e. if the oral report has been received within 24 hours.
- f. Compliance Schedules. Reports of compliance or noncompliance with, 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.



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- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.d., D.1.e., and D.1.f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e. of this section.
- h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

### 2. Signatory Requirement

- a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 CFR §122.22)
- b. The CWA 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 noncompliance shall, upon conviction, be punished by a fine or by imprisonment, or by both.

### 3. Availability of Reports

Except for data determined to be confidential under Paragraph A.8. above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

## PART II. E DEFINITIONS AND ABBREVIATIONS

### 1. Definitions for Individual NPDES Permits including Storm Water Requirements

*Administrator* means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

*Applicable standards and limitations* means all, State, interstate, and Federal standards and limitations to which a “discharge”, a “sewage sludge use or disposal practice”, or a related activity is subject to, including “effluent limitations”, water quality standards, standards of performance, toxic effluent standards or prohibitions, “best management practices”, pretreatment standards, and “standards for sewage sludge use and disposal” under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.

*Application* means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in “approved States”, including any approved modifications or revisions.

*Average* means the arithmetic mean of values taken at the frequency required for each

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parameter over the specified period. For total and/or fecal coliforms and *Escherichia coli*, the average shall be the geometric mean.

*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.

*Average weekly discharge limitation* means the highest allowable average of “daily discharges” measured during the calendar week divided by the number of “daily discharges” measured during the week.

*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.

*Best Professional Judgment* (BPJ) means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT), or other appropriate technology-based standard based on an evaluation of the available technology to achieve a particular pollutant reduction and other factors set forth in 40 CFR §125.3 (d).

*Composite Sample* means a sample consisting of a minimum of eight grab samples of equal volume collected at equal intervals during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportional to flow, or a sample consisting of the same number of grab samples, or greater, collected proportionally to flow over that same time period.

*Contiguous zone* means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

*Continuous discharge* means a “discharge” which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117; 33 USC §§1251 et seq.

*Daily Discharge* means the discharge of a pollutant measured during the calendar day or any other 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 measurements, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

*Director* normally means the person authorized to sign NPDES permits by EPA or the State or an authorized representative. Conversely, it also could mean the Regional Administrator or the State Director as the context requires.

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*Discharge Monitoring Report Form (DMR)* means the EPA standard national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by “approved States” as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA’s.

*Discharge of a pollutant* means:

- (a) Any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source”, or
- (b) Any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation (See “Point Source” definition).

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

This term does not include an addition of pollutants by any “indirect discharger.”

*Effluent limitation* means any restriction imposed by the Regional Administrator on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States”, the waters of the “contiguous zone”, or the ocean.

*Effluent limitation guidelines* means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise “effluent limitations”.

*EPA* means the United States “Environmental Protection Agency”.

*Flow-weighted composite sample* means a composite sample consisting of a mixture of aliquots where the volume of each aliquot is proportional to the flow rate of the discharge.

*Grab Sample* – An individual sample collected in a period of less than 15 minutes.

*Hazardous Substance* means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

*Maximum daily discharge limitation* means the highest allowable “daily discharge” concentration that occurs only during a normal day (24-hour duration).

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*Municipality* means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under Section 208 of the CWA.

*National Pollutant Discharge Elimination System* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. The term includes an “approved program”.

*NPDES* means “National Pollutant Discharge Elimination System”

*Owner or operator* means the owner or operator of any “facility or activity” subject to regulation under the NPDES programs.

*Pass through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

*Permit* means an authorization, license, or equivalent control document issued by EPA or an “approved” State.

*Person* means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

*Point Source* means any discernible, confined, and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (see 40 CFR §122.2).

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- (a) Sewage from vessels; or
- (b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by the authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

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*Process wastewater* means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

*Regional Administrator* means the Regional Administrator, EPA, Region III, Philadelphia, Pennsylvania.

*Significant spills* includes, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR §110.10 and §117.21) or Section 102 of CERCLA (see 40 CFR § 302.4).

*State* means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands.

*Storm Water* means storm water runoff, snow melt runoff, and surface runoff and drainage.

*Storm water discharge associated with industrial activity* means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. (See 40 CFR §122.26 (b)(14) for specifics of this definition.

*Time-weighted composite* means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

*Toxic pollutants* means any pollutant listed as toxic under Section 307 (a)(1) or, in the case of “sludge use or disposal practices” any pollutant identified in regulations implementing Section 405(d) of the CWA.

*Waters of the United States* means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of tide;
- (b) All interstate waters, including interstate “wetlands”;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands”, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) Which are or could be used by interstate or foreign travelers for recreational or other purpose;
  - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) Which are used or could be used for industrial purposes by

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industries in interstate commerce;

- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in Paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in Paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States.

*Runoff* is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off the land surface.

*State* is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

## PART II. F. OTHER

### 1. Endangered Species

[NOTE: Per the requirements under Section 7 of the Endangered Species Act (50 C.F.R. 402; 16 U.S.C. § 1536(c)) and concurrent with public notice of this draft permit, EPA is submitting a Biological Evaluation and Finding of No Effect to the U.S. Fish and Wildlife Service (FWS) and The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries). Following consultation, the Services may stipulate requirements for the final permit.]

### 2. National Historic Preservation Act of 1966

Consultation with the District of Columbia State Historic Preservation Officer (DC SHPO) in accordance with Section 106 of the National Historic Preservation Act and its implementing regulation at 36 C.F.R. Part 800 has resulted in a determination that the activities required by the permit will have no adverse effect on historic properties.

**PART III. SPECIAL CONDITIONS****PART III. A. ADDITIONAL REQUIREMENTS FOR *E. coli*****Source tracking study**

Within twelve months from the effective date of the permit, the permittee shall submit a report to EPA identifying the source(s) of *E. coli* at the WWII Memorial. Additionally, the permittee shall submit, with the report required under this condition, a plan of action to address and mitigate the elevated levels of *E. coli* in the discharge. The plan of action shall include, but is not limited to, the development and implementation of Best Management Practices (BMPs) that target the reduction of *E. coli* in the discharge.

**Benchmark Monitoring**

Benchmark monitoring is required in addition to the monitoring requirements specified in Part I Section B of this permit. Upon implementation of the plan of action, including implementation of BMPs, *E. coli* shall be below the benchmark value of 126 col/100 mL. If the benchmark value is exceeded, then the permittee must initiate a corrective action that will assess and address the exceedance. The benchmark value is not an effluent limitation; a benchmark exceedance, therefore, is not a permit violation. However, if a corrective action is required as a result of a benchmark exceedance, failure to conduct a corrective action is a permit violation.

**Corrective Action**

If a corrective action is needed, the permittee must take all reasonable steps<sup>1</sup> necessary to minimize or prevent the discharge of *E. coli* above the benchmark concentration of 126 col/100mL until a permanent solution is installed and implemented.

The permittee must document each corrective action and retain the documentation on site. The permittee is not required to submit the corrective action documentation to EPA, unless specifically requested to do so. If it is determined that a corrective action is not needed, then the basis for this determination must be documented. The corrective action documentation should include, but is not limited to, the following:

1. Date of the benchmark exceedance
2. Date the corrective action was initiated
3. Description of the corrective action including immediate actions taken to minimize or prevent elevated *E. coli* concentrations in the discharge.

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<sup>1</sup> All reasonable steps means you have undertaken actions to assess and address the condition causing the corrective action.

**PART III.B. ADDITIONAL MONITORING AND REPORTING REQUIREMENTS FOR IRON**

1. The permittee must monitor for iron according to the frequency specified in Part I of this permit. Samples must be analyzed using EPA-approved sufficiently sensitive methods consistent with 40 CFR §122.21(e)(3)(i) and with 40 CFR part 136 analytical methods. The permittee shall report iron concentrations above the benchmark value of 1.0 mg/L to the EPA. Should there be 3 consecutive results above 1.0 mg/L the permittee must submit to EPA a plan of action to reduce the iron concentrations below the water quality criterion of 1.0 mg/L. The plan of action shall be provided within 30 days of the time the permittee becomes aware of the three consecutive exceedances. The written submission shall contain a description of the exceedance and its cause and steps taken or plan to reduce, eliminate, and prevent occurrences of the exceedance.
2. When iron concentrations are below the benchmark value of 1.0 mg/L no further actions are necessary.

**PART III.C. STORMWATER POLLUTION PREVENTION PLAN**

1. The Permittee shall implement a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce, or prevent, the discharge of pollutants in stormwater to the receiving waters identified in this permit. The SWPPP shall be a written document and consistent with the terms of this permit. The Permittee shall comply with the terms of its SWPPP.
2. The SWPPP, including the SWPPP site map, shall be updated and signed by the Permittee within 30 days after the effective date of this Permit. The Permittee shall certify that the SWPPP has been completed or updated and that it meets the requirements of the permit. The certification shall be signed in accordance with the requirements identified in 40 C.F.R. § 122.22. A copy of this certification shall be sent to EPA within thirty (30) days after the certification date.
3. The SWPPP shall be consistent with the general provisions for SWPPPs included in the most current version of the Multi-Sector General Permits for Stormwater Discharges Associated with Industrial Activities (MSGP). In the current MSGP (effective June 4, 2015 and found at [https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015\\_finalpermit.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf)), the general SWPPP provisions are included in Part 5. The SWPPP shall include the site-specific best management practices (BMPs) below for on-site activities that will minimize the discharge of pollutants in stormwater to waters of the United States.



4. The SWPPP shall be prepared in accordance with good engineering practices, identify potential sources of pollution that may reasonably be expected to affect the quality of the stormwater discharges, and describe and ensure implementation of practices which will be used to reduce the pollutants and assure compliance with this permit. Specifically, the SWPPP shall contain the elements listed below:
  - a. A pollution prevention team responsible for developing, implementing, maintaining, revising and ensuring compliance with the SWPPP.
  - b. A site description which includes the activities at the facility; a general location map showing the facility, receiving waters, and outfall locations; and a site map showing the extent of significant structures and impervious surfaces, directions of stormwater flows, and locations of all existing structural control measures, stormwater conveyances, pollutant sources (identified in Part I.D.4.c. below), stormwater monitoring points, stormwater inlets and outlets, and industrial activities exposed to precipitation such as, storage, disposal, material handling.
  - c. A summary of all pollutant sources which includes a list of activities exposed to stormwater, the pollutants associated with these activities, a description of where spills have occurred or could occur, a description of non-stormwater discharges, and a summary of any existing stormwater discharge sampling data.
  - d. A description of all stormwater control measures, both structural and non-structural chosen or designed to comply with the following non-numeric technology-based effluent limitations found in Part 2.1.2 of the 2015 MSGP:
    - i. Minimizing exposure of manufacturing, processing, and material storage areas to stormwater discharges;
    - ii. Good housekeeping measures designed to maintain areas that are potential sources of pollutants;
    - iii. Preventative maintenance programs to avoid leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters;
    - iv. Spill prevention and response procedures to ensure effective response to spills and leaks if or when they occur;

Erosion and sediment controls designed to stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite

- erosion and sedimentation, and the resulting discharge of pollutants;
  - v. Runoff management practices to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff; and
  - vi. Proper handling procedures for salt or materials containing chlorides that are used for snow and ice control.
- e. A schedule and procedure for implementation and maintenance of the control measures described above and for the site-specific best management practices (BMPs) described below.
5. The Permittee shall develop and implement site-specific BMPs; including BMPs to achieve the following:
- f. The proper inspection and cleaning of the oil/water separators and catch basins. A log shall be maintained on site and provided to EPA for review upon request. The oil/water separator shall be inspected at least quarterly and cleaned at least annually. The catch basins shall be cleaned at least semiannually;
  - g. The appropriate storage of materials and equipment such that contact with stormwater is limited, and avoided whenever possible; and
  - h. The reduction in the amount of turbidity in the effluent.
6. The Permittee shall collect and maintain records of all SWPPP activities. All records shall be kept at the facility for at least five years and made available for inspection by EPA and the DOEE. Minimum documentation requirements include the following:
- i. Records of operational and preventive maintenance activities, equipment inspections, procedure audits, and personnel training;
  - j. Records of the collection and analysis of samples, including, but not limited to, date and time samples were collected, sample location, name and signatures of sample collectors, if applicable, why it was not possible to take samples within the first 30 minutes, weather information, calculations done at the time of sampling, any sampling or analytical methods used for samples analyzed on site, and sample results;
  - k. Records of the control measures needing maintenance, repairs or

replacement; the selection, installation and/or implementation of control measures; and the evaluations, and explanations documented in support of the residuals management control measure above;

- l. Information regarding all chemical products that could potentially have an impact to stormwater associated with industrial activity as defined in 40 C.F.R. § 122.26(b)(14)(i)-(ix),(xi), including:
    - i. Product name, chemical formula, and manufacturer;
    - ii. Purpose or use of the chemical;
    - iii. Safety Data Sheet (SDS) and Chemical Abstracts Service (CAS) Registry number for each chemical;
    - iv. Frequency (e.g., hourly, daily), duration (e.g., hours, days), quantity (e.g., maximum and average), and method of application for the chemical; and
    - v. The vendor's reported aquatic toxicity (NOAEL and/or LC50 in percent for aquatic organism(s)), when available;
  - m. A description of the training to be provided for employees to assure they understand the goals, objectives, and procedures of the SWPPP, the requirements of the NPDES permit, and their individual responsibilities for complying with each BMP of the plan; and
  - n. A copy of the current SWPPP and all SWPPP certifications (the initial certification, and the re-certifications and annual certifications as described below) signed during the effective period of this permit.
7. The Permittee shall amend and update the SWPPP within 14 days for any changes at the facility that result in a significant effect on the potential for the discharge of pollutants to the waters of the United States. Such changes include, but are not limited to: a change in design, construction, operation, maintenance, or materials storage; a release of a reportable quantity of pollutants as described in 40 C.F.R. § 302; or a determination by the Permittee or EPA that the SWPPP appears to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity. Any amended or new versions of the SWPPP shall be re-certified by the Permittee and signed in accordance with the requirements identified in 40 C.F.R. § 122.22.
  8. The Permittee shall certify at least annually that the previous year's inspections and maintenance activities were conducted, results were

recorded, records were maintained, and that the facility is in compliance with the SWPPP. If the facility is not in compliance with any aspect of the SWPPP, the annual certification shall state the non-compliance and remedies being undertaken. Annual certifications shall be signed in accordance with the requirements identified in 40 C.F.R. § 122.22