



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. DC00000370

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

**Lincoln Memorial Reflecting Pool  
2010 Ash Road, 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 such time as 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. Environmental Protection Agency R3

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## PART I. LIMITATIONS AND MONITORING REQUIREMENTS

### PART I. SECTION A. AUTHORIZED DISCHARGES

This permit authorizes the discharge of stormwater comingled with pool water collected from the Lincoln Memorial Reflecting Pool (“Pool”) to the Tidal Basin (“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.

### PART I. SECTION B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 001

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge pool water from Outfall 001 to the Tidal Basin. The permittee is authorized to discharge, over a period of four (4) days (96 hours) or less. This discharge is subject to the special condition provisions found in Part III of this permit.

As specified below, the discharge shall be monitored and sampled by the permittee at the **discharge pipe, Outfall No. 001**, Latitude: 38° 53’ 16.27” Longitude: 77° 2’ 24.45”

Parameter	Discharge Limitation				Monitoring Requirements <sup>(5)</sup>	
	Mass Units (lbs/day)		Concentration (mg/L)		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)				Report	See endnote (1)	Estimated
Temperature (°C)				Report	See endnote (1)	Recorded
Total Suspended Solids				25	See endnote (1)	Grab
BOD <sub>5</sub>				60	See endnote (1)	Grab
pH <sup>(2)</sup> (standard units)	6.0 – 8.5				See endnote (1)	Grab
Oil and Grease				Report	See endnote (1)	Grab
Total Residual Chlorine <sup>(3)</sup>				0.019	See endnote (1)	Grab
Turbidity				20 NTU above ambient	See endnote (1)	Grab
E. coli				Report	See endnote (1)	Grab
Dissolved Oxygen (D.O.)				5.0	See endnote (1)	Grab
Chlorophyll <i>a</i>				Report	See endnote (1)	Grab
Copper				Report	See endnote (1)	Grab
Zinc				Report	See endnote (1)	Grab
Molybdenum				Report	See endnote (1)	Grab
Total Nitrogen <sup>(4)</sup>				Report	See endnote (1)	Grab
Total Phosphorus				Report	See endnote (1)	Grab

See page 6 for explanation of endnotes.

**PART I. SECTION C. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR THE POOL**

As specified below, **the Pool** shall be monitored and sampled by the permittee each time a discharge occurs. Monitoring in the Pool shall be approximately 500 feet southwest of the drain. Refer to Part III. Section A. *Additional Monitoring Requirements* for additional monitoring requirements.

Parameter	Discharge Limitation				Monitoring Requirements <sup>(5)</sup>	
	Mass Units (lbs/day)		Concentration (mg/L)		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Temperature (°C)				Report	See endnote (1)	Recorded
pH <sup>(2)</sup> (standard units)	6.0 – 8.5					Grab
Turbidity				20 NTU above ambient	See endnote (1)	Grab
Dissolved Oxygen (D.O.)				5.0	See endnote (1)	Grab
Total Suspended Solids				25	See endnote (1)	Grab
Oil and Grease				Report	See endnote (1)	Grab
Total Residual Chlorine <sup>(3)</sup>				Report	See endnote (1)	Grab
<i>E. coli</i>				Report	See endnote (1)	Grab
Chlorophyll <i>a</i>				Report	See endnote (1)	Grab
Copper				Report	See endnote (1)	Grab
Zinc				Report	See endnote (1)	Grab
Molybdenum				Report	See endnote (1)	Grab

See page 6 for explanation of endnotes.

**PART I. SECTION D. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR THE TIDAL BASIN**

As specified below, the **Tidal Basin** shall be monitored and sampled by the permittee each time a discharge occurs. Monitoring in the Tidal Basin shall occur at a site located approximately 20-25 feet west of Outfall 001. Refer to Part III. Section A. *Additional Monitoring Requirements* for additional monitoring requirements.

Parameter	Discharge Limitation				Monitoring Requirements <sup>(5)</sup>	
	Mass Units (lbs/day)		Concentration (mg/L)		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Temperature (°C)				Report	See endnote (1)	Recorded
pH <sup>(2)</sup> (standard units)	6.0 – 8.5					Grab
Turbidity				20 NTU above ambient	See endnote (1)	Grab
Dissolved Oxygen (D.O.)				5.0	See endnote (1)	Grab

See page 6 for explanation of endnotes.

**Endnotes for Outfall 001**

- (1) Sampling shall occur during each discharge event. Refer to Part III. for additional monitoring requirements. Sampling 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) Refer to Part III.B. for additional information.
- (3) Refer to Part III.C for additional information.
- (4) Total Nitrogen is the sum of Total Kjeldahl Nitrogen (organic and reduced), ammonia, and nitrate-nitrite.
- (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).

## PART I. SECTION E. 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 CDR 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. SECTION A. GENERAL CONDITIONS**

This permit is issued subject to all applicable federal regulations. Failure to set forth the full language of any applicable regulation, however, does not change or waive its applicability in any way.

**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. [40 CFR §122.41(f)]

**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

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furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit. [40 CFR §122.41(h)]

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 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. [40 CFR §122.41(g)]

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

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§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.

Note: See 40 CFR §122.7 for complete “Confidentiality of Information” regulations.

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.) [40 CFR §122.41(b)]

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. [40 CFR §122.1(a)(5)]

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. [40 CFR §122.5(c)]

**PART II SECTION B. OPERATION & 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. [40CFR §122.41(e)]

2. Need to Halt or Reduce Not a Defense

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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. [40CFR §122.41(c)]

### 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. [40 CFR §122.41(d)]

### 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.

#### 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:

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- (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) The permittee submitted notices as required under Paragraph 4.c. of this section.

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.

Note: See 40 CFR §122.41(m) “Bypass” for complete regulations.

### 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 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

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- 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.

Note: See 40 CFR §122.41(n) “Upset” for complete regulations.

### **PART II. SECTION 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.
- 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.

Note: See 40 CFR §122.41(j)(5) for complete “Monitoring and records” regulations.



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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.

Note: See 40 CFR §122.41(i) for complete "Inspection and Entry" regulations.

**PART II. SECTION 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. [40 CFR §122.41(l)(2)]
- c. **Transfers** [40 CFR §122.41(l)(3)]. This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of

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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).)

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- (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.
- 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.

Note: See 40 CFR §122.41(l) for complete “Reporting Requirements” regulations

### 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.

Note: See 40 CFR 122.41(k) for complete “Signatory Requirement” regulations

### 3. Availability of Reports

Except for data determined to be confidential under Paragraph A.7 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. [40 CFR §2.302(f)]

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**PART II. SECTION 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 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).

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*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.

*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

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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).

*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

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“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.

*Process wastewater* means any water which, during manufacturing or

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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:



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- (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 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. SECTION 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.]

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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 II. SECTION G. BEST MANAGEMENT PRACTICES**

1. Applicability

These conditions apply to all permittees who use, manufacture, store, handle or discharge any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act or any pollutant listed as hazardous under Section 311 of the Act and who have ancillary manufacturing operations which could result in significant amounts of these pollutants reaching waters of the United States. These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations and sludge and waste disposal areas.

2. Best Management Practices Plan

The permittee shall review and update its Best Management Practices (BMP) plan which prevents, or minimizes the potential for the release of toxic substances from ancillary activities to the waters of the United States through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

3. Implementation

Improvements identified pursuant to section 2 above shall be implemented as soon as possible but not later than one year after the effective date of the permit.

4. General Requirements

The BMP plan shall:

1. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
2. Establish specific objectives for the control of toxic and hazardous pollutants
  - a. Each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

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- b. Where experience indicates a reasonable potential for equipment failure, e.g., tank overflow or leakage, natural phenomena such as rain or snowball, etc.
3. Establish specific best management practices to meet the objectives identified under Subparagraph 2 of this Paragraph, addressing each component or system capable of causing a release of significant amounts of toxic or hazardous pollutants to the waters of the United States.
4. Include any special conditions established in Part III of this permit.
5. Be reviewed by plant engineering staff and plant manager.

### 5. Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled “NPDES Best Management Practices Guidance Document” and shall, at minimum, include the following baseline BMPs:

- a. BMP committee
- b. Reporting of BMP incidents
- c. Risk identification and assessments
- d. Employee training
- e. Inspections and records
- f. Preventive maintenance
- g. Good housekeeping
- h. Materials compatibility
- i. Security
- j. Materials inventory

### 6. Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Wastewater Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall be referenced in the BMP plan.

### 7. Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available to the Director upon request.

### 8. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increased the potential for the ancillary activities to result in a discharge of significant amount of hazardous or toxic pollutants.

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9. Modification for Effectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of toxic or hazardous pollutants to surface waters and the specific objectives and requirements under Part II, Section G, Paragraph 4, Subparagraphs 2 and 3, of the permit and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements.

## **PART III. SPECIAL CONDITIONS**

### **PART III. SECTION A. ADDITIONAL MONITORING AND REPORTING REQUIREMENTS**

#### **1. Monitoring by Personnel**

The permittee shall conduct training for all personnel who are responsible for implementing activities associated with the discharge event. The training shall cover all monitoring procedures and requirements of this permit and such personnel should be provided a detailed copy of the monitoring procedures. The permittee must document each training session, including date of training and personnel attendance, and retain the documentation on site.

The permittee must ensure that the following personnel understand the monitoring requirements of this permit and their specific responsibilities with respect to those requirements:

- a) Personnel who are responsible for implementing the discharge event;
- b) Personnel who are responsible for running the equipment during the discharge event;
- c) Personnel who are responsible for ensuring and documenting compliance with visual water quality standards in the Pool;
- d) Personnel who are responsible for conducting and documenting monitoring in the Pool;
- e) Personnel who are responsible for conducting and documenting monitoring in the Basin;
- f) Personnel who will be on standby to assist, especially if issues occur.

#### **2. Monitoring Procedures**

Each discharge event must consist of the following:

- a) The permittee must record and document all monitoring data and information.
- b) Personnel must monitor for temperature, dissolved oxygen, pH, and turbidity at the designated monitoring locations in the Pool and the Basin at least one (1) week prior to the discharge event to establish a baseline.
- c) Personnel must place sandbags around the drain prior to the discharge event to trap any large particles that move towards the drain.
- d) Personnel must place a debris rack over the drain prior to the discharge event to trap material.
- e) Personnel must monitor for all parameters in Part I Section C at the designated monitoring location in the Pool before opening the drain to start the discharge.
- f) Personnel must monitor for temperature, dissolved oxygen, pH, and turbidity at the designated monitoring location in the Basin to take baseline readings before opening the drain to start the discharge.
- g) Personnel must confirm that the Pool's water quality complies with the monitoring requirements of this permit before the drain is opened.
- h) Once the drain is opened, personnel must continuously monitor for temperature, dissolved oxygen, pH, and turbidity at the designated monitoring location in the Basin until the data for the parameters stabilize. Personnel must record all data, including

- but not limited to the time and results. The Basin's water quality at the designated monitoring location must comply with the monitoring requirements of this permit in order for the discharge to continue. The discharge must be stopped if, at any time, the temperature, dissolved oxygen, pH and/or turbidity exceeds the effluent limits established in this permit.
- i) Personnel must continuously observe the drain for the following water quality characteristics:
    - (1) Color;
    - (2) Clarity;
    - (3) Oil sheen;
    - (4) And other obvious indicators of pollution (i.e. trash and algae).

If the water quality indicates a change in color, clarity, or oil sheen the discharge must be stopped. If other indicators of pollution are observed, additional treatment or trapping measures must be put in place.
  - j) Personnel must continuously monitor for temperature, dissolved oxygen, pH, and turbidity at the designated monitoring location in the Basin until the data for the parameters stabilize. Personnel must record all data, including but not limited to, the time and results. The Basin's water quality at the designated monitoring location must comply with the monitoring requirements of this permit in order for the discharge to continue. The discharge must be stopped if, at any time, the temperature, dissolved oxygen, pH and/or turbidity approaches the effluent limits established in this permit.
  - k) Once the data have stabilized, personnel must continuously monitor for temperature, dissolved oxygen, pH, and turbidity at the designated monitoring location in the Basin every two (2) hours until the drain has been closed. Personnel must record all data, including but not limited to the time and results. The Basin's water quality at the designated monitoring location must comply with the monitoring requirements of this permit in order for the discharge to continue. The discharge must be stopped if at any time the temperature, dissolved oxygen, pH and/or turbidity approaches the effluent limits established in this permit.
  - l) Personnel must close the drain when 90% of the water in the Pool has been drained.
  - m) Once the drain has been closed, the remainder of the Pool must be cleaned and drained into the sanitary sewer system. The permittee must contact the District of Columbia Water and Sewer Authority for all discharges to the sanitary sewer system.
  - n) The permittee must submit a drainage report to the following recipients no later than 30 days after the discharge event is complete:

U.S. EPA Region III (3WP42)  
 Water Protection Division  
 NPDES DMRs  
 1650 Arch Street  
 Philadelphia, PA 19103

Associate Director  
 Inspection and Enforcement Division  
 Department of Energy & Environment  
 Government of the District of Columbia  
 1200 First Street NE, 5<sup>th</sup> Floor  
 Washington, D.C. 20002

**PART III. SECTION B. pH EXCEEDANCE**

If the pH in the Pool is expected to exceed 8.5 standard units during the discharge event, the permittee may use one of the following methods to lower the pH:

1. Add ascorbic acid incrementally until the pH is less than 8.5 standard units.
2. Add water with a lower pH until the pH is less than 8.5 standard units. If this method generates a volume of water greater than the capacity of the Pool, the permittee must discharge the Pool water to the sanitary sewer system. The permittee must contact the District of Columbia Water and Sewer Authority for all discharges to the sanitary sewer system.

The permittee must monitor and report for total residual chlorine in the Pool after use of ascorbic acid.

**PART III. SECTION C. INTERMITTENT POOL TREATMENT**

The permittee is authorized to use the following EPA-accepted chemicals to treat algae blooms via injection or direct application:

1. Hydrogen peroxide
2. Chlorine
3. Sodium Hypochlorite Solution, 12.5% (EPA Registration Number 35317-20001)
4. G.C. Pro. (EPA Registration Number 70299-15)
5. ZeroTol 2.0 (EPA Registration Number 70299-12)

The permittee must record the amount used for each chemical. The permittee must also monitor and report for total residual chlorine in the Pool after use of any of the chemicals listed above.

**PART III. SECTION D. POOL DRAINING**

The permittee shall drain and clean the pool on an annual basis, at minimum, to prevent growth of any parasites or other harmful organisms in the pool. The permittee must follow its existing pool draining procedures and the additional monitoring and reporting requirements outlined in Part III Section A. The permittee must document each pool draining and cleaning event and retain the documentation on site.

**PART III. SECTION E. EFFLUENT CHARACTERIZATION**

If the Pool is filled with water from the Basin, the permittee shall provide an effluent characterization of the Pool no later than 60 days after the Pool has been filled.

**PART III. SECTION F. OPERATION AND MAINTENANCE PROGRAM UPDATE**

The permittee must review and update its Storm Water Pollution Prevention Plan (SWPPP), as necessary, to address the requirements of this permit. The SWPPP shall remain on site and copies of the final amended SWPPP shall be submitted to EPA.

**PART III. SECTION G. 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.