

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

**Authorization to Discharge under the
 National Pollutant Discharge Elimination System**

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

**United States Department of Defense, Department of the Navy, Naval Supply
 Fleet Logistics Center Puget Sound, Manchester Fuel Department**

is authorized to discharge from the United States Department of Defense, Department of the Navy, Naval Supply Fleet Logistics Center Puget Sound, Manchester Fuel Department (Logistics Center) facility located in Manchester, Washington, at the following location(s):

| Outfall | Receiving Water | Latitude | Longitude |
|----------------|------------------------|-----------------|------------------|
| 001B | Yukon Harbor | 47.562527 | -122.535873 |
| 002A | Rich Passage | 47.566003 | -122.535873 |
| 004A | Clam Bay | 47.569360 | -122.549630 |
| 006A | Little Clam Bay | 47.564541 | -122.549507 |
| 007A | Little Clam Bay | 47.565004 | -122.548919 |
| 008A | Little Clam Bay | 47.564665 | -122.546209 |

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

This permit shall become effective *insert date*

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

The permittee shall reapply for a permit reissuance on or before *insert 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

Draft

Daniel D. Opalski, Director
 Office of Water and Watersheds

Schedule of Submissions

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

| Item | Due Date |
|---|---|
| 1. Discharge Monitoring Reports (DMR) | DMRs are due monthly and must be postmarked on or before the 20th of the month following the monitoring month. |
| 2. NPDES Application Renewal | The application must be submitted at least 180 days before the expiration date of the permit (see V.B.). |
| 3. Quality Assurance Plan (QAP) | The permittee must provide EPA with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.A.). The Plan must be kept on site and made available to EPA upon request. |
| 4. Twenty-Four Hour Notice of Noncompliance Reporting | The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See III.G.) |
| 5. Whole Effluent Toxicity Testing (WET) Report | The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMR) for the month following sample collection (See I.C.) |

Table of Contents

| | |
|---|-----------|
| Schedule of Submissions..... | 2 |
| I. Limitations and Monitoring Requirements | 5 |
| A. Discharge Authorization | 5 |
| B. Effluent Limitations | 5 |
| C. Whole Effluent Toxicity Testing Requirements | 8 |
| II. Special Conditions..... | 12 |
| A. Quality Assurance Plan (QAP) | 12 |
| B. Stormwater Pollution Prevention Plans | 12 |
| C. Outfall Assessment and Restoration - Outfall 001B..... | 21 |
| III. General Monitoring, Recording and Reporting Requirements..... | 21 |
| A. Representative Sampling (Routine and Non-Routine Discharges)..... | 21 |
| B. Reporting of Monitoring Results | 22 |
| C. Monitoring Procedures..... | 22 |
| D. Additional Monitoring by Permittee..... | 22 |
| E. Records Contents | 22 |
| F. Retention of Records..... | 23 |
| G. Twenty-four Hour Notice of Noncompliance Reporting..... | 23 |
| H. Other Noncompliance Reporting | 24 |
| I. Changes in Discharge of Toxic Pollutants..... | 24 |
| J. Compliance Schedules | 25 |
| IV. Compliance Responsibilities | 25 |
| A. Duty to Comply..... | 25 |
| B. Penalties for Violations of Permit Conditions | 25 |
| C. Need To Halt or Reduce Activity not a Defense | 27 |
| D. Duty to Mitigate..... | 27 |
| E. Proper Operation and Maintenance | 27 |
| F. Bypass of Treatment Facilities..... | 27 |
| G. Upset Conditions..... | 28 |
| H. Toxic Pollutants | 28 |
| I. Planned Changes..... | 28 |
| J. Anticipated Noncompliance..... | 29 |
| V. General Provisions | 29 |
| A. Permit Actions | 29 |
| B. Duty to Reapply | 29 |
| C. Duty to Provide Information..... | 29 |
| D. Other Information | 29 |
| E. Signatory Requirements..... | 30 |
| F. Availability of Reports..... | 31 |
| G. Inspection and Entry | 31 |

- H. Property Rights 31
- I. Transfers 31
- J. State Laws 32
- VI. Definitions..... 32**
- Appendix A 35**

I. Limitations and Monitoring Requirements

A. Discharge Authorization

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

B. Effluent Limitations

- The permittee must limit and monitor discharges from Internal Outfall 001A, Outfalls 001B, 002A, 008A, 004A, 006A, 007A as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

| Table 1 – Internal Outfall 001A Effluent Limitations and Monitoring Requirements | | | | | |
|--|-----------------------------|----------------------|------------------|-----------------------------|-------------|
| Parameter | Units | Effluent Limitations | | Monitoring Requirements | |
| | | Maximum Daily | Average Monthly | Sample Frequency | Sample Type |
| Total Suspended Solids (TSS) | mg/L | 3.4 ^{1,2} | 2.5 ² | 1/day during discharge | grab |
| Oil and Grease | mg/L | 6.7 ¹ | 3.9 ³ | 1/day during discharge | grab |
| TOC | mg/L | 900 ¹ | 343 | 1/day during discharge | grab |
| pH | Std. Units | 6.0-8.5 | | 1/day during discharge | grab |
| Whole Effluent Toxicity | See Part I.C of this permit | | | 1/year ⁴ | grab |
| Report Parameter | | | | | |
| Outfall Flow | mgd | -- | -- | Continuous during discharge | recording |
| Footnotes: | | | | | |
| 1 - Reporting is required within 24 hours of a maximum daily limit violation. See Part III.G. | | | | | |
| 2.- The limits for TSS are not quantifiable using EPA-approved analytical methods. The minimum level (ML) for TSS is 5 mg/L for this parameter. The EPA will use 5 mg/L as the compliance evaluation level for this parameter. The permittee will be in compliance with the TSS limitation if the average monthly concentration is less than 5 mg/L and the maximum daily concentration is less than 5 mg/L. | | | | | |
| 3 - The limit for oil and grease are not quantifiable using EPA-approved analytical methods. The minimum level (ML) for oil and grease is 5 mg/L for this parameter. The EPA will use 5 mg/L as the compliance evaluation level for this parameter. The permittee will be in compliance with the oil and grease limitation if the average monthly concentration limits are less than 5.0 mg/L. | | | | | |
| 4 - See Part I.C. for whole effluent toxicity testing requirements. | | | | | |

Table 2 - Outfall 001B Effluent Limitations and Monitoring Requirements

| Parameter | Units | Effluent Limitations | | Monitoring Requirements | |
|----------------|------------|----------------------|------------------|-------------------------|-------------|
| | | Maximum Daily | Average Monthly | Sample Frequency | Sample Type |
| Oil and Grease | mg/L | 5.8 ¹ | 3.4 ² | 1/day during discharge | grab |
| pH | Std. Units | 6.0-8.5 | | 1/day during discharge | grab |

Footnotes:

1 - Reporting is required within 24 hours of a maximum daily limit violation. See Part III.G.

2 - The limits for oil and grease are not quantifiable using EPA-approved analytical methods. The minimum level (ML) for oil and grease is 5 mg/L for this parameter. The EPA will use 5 mg/L as the compliance evaluation level for this parameter. The permittee will be in compliance with the oil and grease limitation if the average monthly concentration limits are less than 5.0 mg/L.

Table 3 - Outfall 002A Effluent Limitations and Monitoring Requirements

| Parameter | Units | Effluent Limitations | | Monitoring Requirements | |
|----------------|------------|----------------------|------------------|-------------------------|-------------|
| | | Maximum Daily | Average Monthly | Sample Frequency | Sample Type |
| Oil and Grease | mg/L | 4.9 ^{1,2} | 2.3 ² | 1/day during discharge | grab |
| pH | Std. Units | 6.0-8.5 | | 1/day during discharge | grab |

Footnotes:

1 - Reporting is required within 24 hours of a maximum daily limit violation. See Part III.G.

2 - The limits for oil and grease are not quantifiable using EPA-approved analytical methods. The minimum level (ML) for oil and grease is 5 mg/L for this parameter. The EPA will use 5 mg/L as the compliance evaluation level for this parameter. The permittee will be in compliance with the oil and grease limitation if the average monthly concentration limits are less than 5.0 mg/L.

Table 4 - Outfall 008A Effluent Limitations and Monitoring Requirements

| Parameter | Units | Effluent Limitations | | Monitoring Requirements | |
|----------------|------------|----------------------|------------------|-------------------------|-------------|
| | | Maximum Daily | Average Monthly | Sample Frequency | Sample Type |
| Oil and Grease | mg/L | 9.6 ¹ | 4.3 ² | 1/day during discharge | grab |
| pH | Std. Units | 6.0-8.5 | | 1/day during discharge | grab |

Footnotes:

1 - Reporting is required within 24 hours of a maximum daily limit violation. See Part III.G.

2 - The limit for oil and grease is not quantifiable using EPA-approved analytical methods. The minimum level (ML) for oil and grease is 5 mg/L for this parameter. The EPA will use 5 mg/L as the compliance evaluation level for this parameter. The permittee will be in compliance with the oil and grease limitation if the average monthly concentration limits are less than 5.0 mg/L.

Table 4 – Outfalls 004A, 006A, 007A Effluent Limitations and Monitoring Requirements

| Parameter | Units | Effluent Limitations | | Monitoring Requirements | |
|----------------|------------|----------------------|-----------------|-------------------------|-------------|
| | | Maximum Daily | Average Monthly | Sample Frequency | Sample Type |
| Oil and Grease | mg/L | 15 ¹ | 10 | 1/day during discharge | grab |
| pH | Std. Units | 6.0-8.5 | | 1/day during discharge | grab |

Footnotes:
1 - Reporting is required within 24 hours of a maximum daily limit violation. See Part III.G.

2. Discharges shall not contain floating solids, visible foam, or oily wastes that produce a sheen on the surface of the receiving water.
3. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
4. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
 - a) Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in *Tables 1, 2, 3, and 4 Effluent Limitations and Monitoring Requirements*.
 - b) Parameters that do not have effluent limitations.
 - (i) The permittee must use a method that detects and quantifies the level of the pollutant, or
 - (ii) The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A;
 - c) For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.
 - d) See also Part III.C. *Monitoring Procedures*
6. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if a value is less than the ML, the permittee must report “less than {numeric value of the ML}.”
7. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of the ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

8. Treating used oil and fuel is prohibited.

C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from Outfall 001B. Testing for chronic toxicity must be conducted in accordance with Paragraphs 1 through 5, below.

1. Toxicity testing must be conducted on a grab sample of the effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Table 1.

2. Chronic Test Species and Methods

- a) For Outfall 001B, chronic WET testing must be conducted annually while the permit remains in effect. WET testing must begin during the 1st quarter of the first full calendar year (January 1 – December 31) after the effective date of the permit. Annual testing shall be conducted on a rotating quarterly schedule, so that each annual test is conducted during a different quarter than the previous year's test. After four years of annual testing (one test per year, each during a different quarter), the cycle is repeated. For the purposes of WET testing, the annual testing schedule is defined as follows:

First full calendar year: 1st Quarter (January 1—March 31);

Second calendar year: 2nd Quarter (April 1—June 30);

Third calendar year: 3rd Quarter (July 1—September 30);

Fourth calendar year: 4th Quarter (October 1—December 31)

Fifth calendar year, and thereafter: repeat rotating quarterly schedule, starting with annual testing during 1st Quarter.

- b) The permittee must conduct the following two chronic tests using the species and protocols in *Table 5, Chronic Toxicity Test Species and Protocols*

| Table 5. Chronic Toxicity Test Species and Protocols | | |
|---|---|------------------|
| Marine Chronic Toxicity Tests | Species | Method |
| Pacific Topsmelt survival and growth | <i>Atherinops affinis</i> | EPA/600/R-95/136 |
| Mysid shrimp survival and growth** | <i>Americamysis bahia</i> (formerly <i>Mysidopsis bahia</i>) | EPA-821-R-02-014 |

**NOTE: Fecundity does not need to be determined or reported

- c) The presence of chronic toxicity must be determined as specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition, EPA/821-R-02-014, October 2002.

- d) Results must be reported in TUC (chronic toxic units), which is defined as follows:
- (i) For survival endpoints, $TUC = 100/NOEC$.
 - (ii) For all other test endpoints, $TUC = 100/IC25$
 - (iii) IC25 means “25% inhibition concentration.” The IC25 is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
 - (iv) NOEC means “no observed effect concentration.” The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

3. Quality Assurance

- a) The toxicity testing on each organism must include a series of five test dilutions and a control. The dilution series must include 100, 50, 25, 11.1 (the ACEC), and 6.25% effluent.
- b) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with the applicable testing methods and procedures outlined in the prescribed methods manuals.
- c) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
 - (i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.
 - (ii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.
 - (iii) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA. In no case shall water that has not met test acceptability criteria be used for either dilution or control.

4. Accelerated testing

- a) If any test demonstrates a statistically significant difference between a control group and the acute critical effluent concentration (11.1% effluent), then the permittee must conduct six more bi-weekly (every two weeks) chronic toxicity tests, over a twelve-week period. This accelerated testing shall be initiated within 10-calendar days of receipt of the test results indicating the initial exceedance.

The EPA has the discretion to approve additional time for initiating the six accelerated chronic toxicity tests required in this Part. Requests for additional time to initiate the accelerated testing shall include justification for why additional time is required (e.g., shipping/delivery problems from remote locations, problems contracting with a lab etc.). The EPA has sole discretion to approve or deny additional time to initiate the accelerated testing required in this Part, and may require supporting documentation to support the permittee's request.

- b) The permittee must notify the EPA of the exceedance in writing within 5 calendar days of receipt of the test results indicating the exceedance. The notification must include the following information:
- (i) A status report on any actions required by the permit, with a schedule for actions not yet completed.
 - (ii) A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.
 - (iii) Where no actions have been taken, a discussion of the reasons for not taking action.
- c) If the permittee clearly identifies the source of toxicity to the satisfaction of the EPA (e.g., a temporary plant upset), and none of the six accelerated chronic toxicity tests required under Part I.C.4. demonstrate a statistically significant difference between the controls and the ACEC, the permittee can return to the regular toxicity testing cycle specified in Part I.C.1.
- d) If any of the six accelerated toxicity tests demonstrate a statistically significant difference between the controls and the ACEC, then the permittee shall begin implementation of the toxicity reduction evaluation (TRE) requirements contained in Part I.C.5. Implementation of the TRE requirements shall begin within 10 days of receipt of the accelerated toxicity testing results demonstrating the exceedance.

The EPA has the discretion to approve additional time for initiating the TRE requirements contained in Part I.C.5. Requests for additional time to initiate the TRE or toxicity identification evaluation (TIE) requirements shall include justification for why additional time is required (e.g., shipping/delivery problems from remote locations, problems contracting with a lab etc.). The EPA has sole discretion to approve or deny additional time to initiate the accelerated testing required in this Part, and may require supporting documentation to support the permittees request.

5. Toxicity Reduction Evaluation (TRE)
 - a) In accordance the EPA manual EPA/600/2-88/070 (*Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations*), the permittee must develop as expeditiously as possible a TRE work plan, which includes:
 - (i) Actions to investigate and identify the cause of toxicity;
 - (ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
 - (iii) A schedule for these actions
 - b) The permittee may initiate a TIE as part of the overall TRE process described in the EPA acute and chronic TIE manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).
 - c) If a TIE is initiated prior to completion of the accelerated tests, the accelerated testing schedule may be terminated, or used as necessary in performing the TIE.
6. Reporting
 - a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMR) for the month following sample collection.
 - b) The permittee must submit the results of any accelerated testing, under Part I.C.4., within 2 weeks of receipt of the results from the lab. The full report must be submitted within 4 weeks of receipt of the results from the lab. In an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, the result of the investigation must be submitted with the DMR for the month following completion of the investigation.
 - c) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition, EPA/821-R-02-014, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; the toxicity triggers as defined in paragraph C.4.; flow rate at the time of sample collection; and the results of the monitoring required in Table 1.
 - d) The permittee may submit the toxicity testing as an electronic attachment to NetDMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0002780_Bioassay_02610, where YYYY_MM_DD is the date that the permittee submits the report. All WET test results must also be resubmitted with the next permit application.

II. Special Conditions

A. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA within 180 days of the effective date of this permit, that the Plan has been developed and implemented. Any existing QAPs may be modified for compliance with this section.

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

B. Stormwater Pollution Prevention Plans

The permittee shall continue to implement the existing stormwater pollution prevention plan (Plan). The Plan shall be evaluated and updated within twelve months of the effective date of this permit. The Plan shall be developed for the entire facility covered by this permit. Stormwater pollution prevention plans shall be prepared in accordance with good engineering practices. The Plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the Plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The

permittee must implement the provisions of the stormwater pollution prevention plan required under this part as a condition of this permit.

1. **Signature and Plan Review**

- a) The Plan shall be signed in accordance with Part V.E. (Signatory Requirements) and be retained on site.
- b) The Permittee shall make plans available upon request to the Director, or authorized representative.
- c) The Director of the Office of Compliance and Enforcement or authorized representative, may notify the Permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director of the Office of Compliance and Enforcement, (or as otherwise provided by the Director), or authorized representative, the Permittee shall make the required changes to the Plan and shall submit to the Director of the Office of Compliance and Enforcement a written certification that the requested changes have been made.

2. **Keeping Plans Current**

The Permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II.B.3.b)(ii).

3. **Contents of Plan**

The Plan shall include, at a minimum, the following items:

a) **Pollution Prevention Team**

Each Plan shall identify a specific individual or individuals within the facility organization as members of a stormwater Pollution Prevention Team that are responsible for developing the stormwater pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The Plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's stormwater pollution prevention plan.

b) **Description of Potential Pollutant Sources**

The Plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The Plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each Plan shall include, at a minimum:

(i) Drainage.

- 1) A site map indicating an outline of the portions of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part II.B.3.b)(iii). of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
- 2) For each area of the facility that generates stormwater discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in stormwater discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

(ii) Inventory of Exposed Materials

An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to stormwater between the time of three years prior to the date of the issuance of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with stormwater runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives.

(iii) Spills and Leaks

A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility after the date of

three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.

(iv) Sampling Data

A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.

(v) Risk Identification and Summary of Potential Pollutant Sources

A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concerns shall be identified.

c) Measures and Controls

The permittee shall develop a description of stormwater management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the Plan shall reflect identified potential sources of pollutants at the facility. “The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. You may deviate from such manufacturer’s specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in this permit, you must modify these control measures per the corrective action requirements. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.” The description of stormwater management controls shall address the following minimum components, including a schedule for implementing such controls:

(i) Good Housekeeping

Good housekeeping requires the maintenance of areas which may contribute pollutants to stormwater discharges in a clean, orderly manner.

(ii) Preventive Maintenance

A preventive maintenance program shall involve timely inspection and maintenance of stormwater management devices (e.g. cleaning oil/water

separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. Clean catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.

If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the EPA Regional Office of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe.

(iii) Spill Prevention and Response Procedures

Areas where potential spills which can contribute pollutants to stormwater discharges can occur, and their accompanying drainage points shall be identified clearly in the stormwater pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the Plan should be considered. Procedures for cleaning up spills shall be identified in the Plan and made available to the appropriate personnel. The necessary equipment to implement a cleanup should be available to personnel.

(iv) Inspections

In addition to or as part of the comprehensive site evaluation required under Part II.B.3.f) (Comprehensive Site Compliance Evaluation) of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the Plan. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

During normal facility operating hours you must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to stormwater;
- Areas identified in the SWPPP and those that are potential pollutant sources;

- Areas where spills and leaks have occurred in the past three years;
- Discharge points; and
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

Inspections must be performed by qualified personnel with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

During the inspection you must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;
- Control measures needing replacement, maintenance or repair.

During an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

Samples should be collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and

- For storm events, on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

You must visually inspect or observe the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of stormwater pollution.

Whenever the visual assessment shows evidence of stormwater pollution, you must initiate corrective action procedures. You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP

(v) Employee Training

Employee training programs shall inform personnel responsible for implementing activities identified in the stormwater pollution prevention plan or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The Plan shall identify periodic dates for such training.

Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

(vi) Recordkeeping and Internal Reporting Procedures

A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of stormwater

discharges shall be included in the Plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the Plan.

Do not submit your routine facility inspection report to EPA, unless specifically requested to do so. However, you must summarize your findings in the annual report. Document all findings, including but not limited to, the following information:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:

A description of any discharges occurring at the time of the inspection;

Any previously unidentified discharges from and/or pollutants at the site;

Any evidence of, or the potential for, pollutants entering the drainage system;

Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;

Any control measures needing maintenance, repairs, or replacement;

- Any additional control measures needed to comply with the permit requirements;
- Any incidents of noncompliance;

(vii) Non-Stormwater Discharges

- 1) The Plan shall include a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test.
- 2) The following non-stormwater discharges may be authorized by this permit: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material have been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated

ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

d) Sediment and Erosion Control

The Plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

e) Management of Runoff

The Plan shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The Plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity [see Part II.B.3.b) (Description of Potential Pollutant Sources) of this permit] shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

f) Comprehensive Site Compliance Evaluation

Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the Plan, but in no case less than once a year. Such evaluations shall provide:

- (i) Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the Plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the Plan, such as spill response equipment, shall be made.
- (ii) Based on the results of the inspection, the description of potential pollutant sources identified in the Plan in accordance with Part II.B.3.b) (Description of Potential Pollutant Sources) of this permit and pollution prevention measures and controls identified in the Plan in accordance with Part II.B.3.c) (Measures and Controls) of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for

implementation of any changes to the Plan in a timely manner, but in no case more than twelve weeks after the inspection.

- (iii) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the stormwater pollution prevention plan, and actions taken in accordance with Part II.B.3.f) ii. (above) of the permit shall be made and retained as part of the stormwater pollution prevention plan for at least one year after coverage under this permit terminates. The report shall be signed by the senior executive officer responsible for overall environmental control.

- g) Consistency with other plans

Stormwater pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under section 311 of the CWA, as long as such requirement is incorporated into the stormwater pollution prevention plan.

C. Outfall Assessment and Restoration - Outfall 001B

1. The permittee must assess the condition of the outfall within two years of the effective date of the permit to document its integrity and continued function and report the condition to EPA. The inspection shall evaluate the structural condition of the submarine portion of the outfall including the condition of the concrete pipe, all leaks and line breaks, determine whether portions of the outfall are covered by sediments and if it is flowing freely as designed. If conditions allow for a photographic verification, it shall be included in the report. The permittee must submit a Report of Progress which outlines the progress made towards the evaluation after one year of the effective date of the permit. .
2. The permittee must repair damage and restore to proper operation Outfall 001B within three years of the effective date of the permit. Alternatively, the outfall may be replaced. The permittee must develop recommendations for permanent repair or replacement of this outfall and line and the recommendation made part of the operations and maintenance plan.

III. General Monitoring, Recording and Reporting Requirements

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

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

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

parameters limited in Part I.B of this permit that are likely to be affected by the discharge.

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

B. Reporting of Monitoring Results

The permittee must submit monitoring data and other reports electronically using NetDMR.

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E., of this permit Signatory Requirements.
3. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0002780_Report Type Name_Identifying Code, where YYYY_MM_DD is the date that the permittee submits the attachment.
4. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from:
<https://netdmr.epa.gov/netdmr/public/home.htm>

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;

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

F. Retention of Records

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

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - b) any noncompliance that may endanger health or the environment;
 - c) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., “Bypass of Treatment Facilities”);
 - d) any upset that exceeds any effluent limitation in the permit (See Part IV.G., “Upset Conditions”); or
 - e) any violation of a maximum daily discharge limitation for applicable pollutants identified by Tables 1, 2, 3 and 4.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - b) a description of the noncompliance and its cause;
 - c) the period of noncompliance, including exact dates and times;
 - d) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - e) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports must be submitted to the addresses in Part III.B (“Reporting of Monitoring Results”).

H. Other Noncompliance Reporting

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

I. Changes in Discharge of Toxic Pollutants

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

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) One hundred micrograms per liter (100 ug/l);
 - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) Five hundred micrograms per liter (500 ug/l);
 - b) One milligram per liter (1 mg/l) for antimony;
 - c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue
Suite 155, OWW
Seattle, Washington 98101-3140

J. Compliance Schedules

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

IV. Compliance Responsibilities**A. Duty to Comply**

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

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$52,414 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$20,965 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$52,414). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$20,965 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$262,066).

3. Criminal Penalties:

- a) **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b) **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c) **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d) **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.
 - a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have

been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

- (iii) The permittee submitted notices as required under paragraph 2 of this Part.
- b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b) The permitted facility was at the time being properly operated;
 - c) The permittee submitted notice of the upset as required under Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and
 - d) The permittee complied with any remedial measures required under Part IV.D, “Duty to Mitigate.”
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

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

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

J. Anticipated Noncompliance

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

V. General Provisions

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Duty to Reapply

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

C. Duty to Provide Information

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

D. Other Information

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

E. Signatory Requirements

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

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

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

F. Availability of Reports

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

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

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

I. Transfers

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

J. State Laws

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

VI. Definitions

1. "Act" means the Clean Water Act.
2. "Acute Toxic Unit" ("TUa") is a measure of acute toxicity. TUa is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., $100/\text{LC50}$).
3. "Administrator" means the Administrator of the EPA, or an authorized representative.
4. "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.
5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Chronic toxic unit" ("TUc") is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., $100/\text{NOEC}$).
8. "Composite" -- see "24-hour composite".
9. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
10. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
11. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.

12. “DMR” means discharge monitoring report.
13. “EPA” means the United States Environmental Protection Agency.
14. “Geometric Mean” means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
15. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
16. “Inhibition concentration”, IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
17. “LC50” means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.
18. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
19. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
20. “Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.
21. “NOEC” means no observed effect concentration. The NOEC is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
22. “NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
23. “QA/QC” means quality assurance/quality control.
24. “Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
25. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be

expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Appendix A

Minimum Levels

The table below lists the Minimum Level (ML) for pollutants that may have monitoring requirements in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA.

| Pollutant & CAS No. (if available) | Minimum Level (ML) µg/L unless specified |
|---|---|
| Biochemical Oxygen Demand | 2 mg/L |
| Chemical Oxygen Demand | 10 mg/L |
| Total Organic Carbon | 1 mg/L |
| Total Suspended Solids | 5 mg/L |
| pH | N/A |
| Oil and Grease | 5 mg/L |