

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

PROPOSED DRAFT NPDES PERMIT NO. AZ0000116

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. 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.

Discharger Name	U.S. Fish & Wildlife Service
Discharger Address	P.O. Box 2430 Pinetop, Arizona 85935
Facility Name	Alchesay National Fish Hatchery
Facility Location Address	8602 N. Alchesay NFH Road Whiteriver, AZ 85941
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
003	Treated wastewater	33° 56' 00" N	109° 55' 40" W	N. Fork White River

This permit was issued on:	<Director signature date, e.g., July 1, 2019>
This permit shall become effective on:	<1 st of month following 33 days after issue date>
This permit shall expire at midnight on:	<Effective date + 5 years – 1 day>
In accordance with 40 CFR 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.	

Signed this _____ day of _____, 2019, for the Regional Administrator.

Tomás Torres, Director
Water Division

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Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

A. Final Effluent Limits and Monitoring Requirements

1. Final Effluent Limits – Outfall Number 003

The discharger is authorized to discharge treated effluent in compliance with the final effluent limits and monitoring requirements specified in Table 1. The discharger shall monitor both the effluent and influent to evaluate compliance. as shown on Attachment C.

2. The discharge of pollutants at any point other than the outfall number 003 specifically authorized in this permit is prohibited.

B. Table 1. Final Effluent Limits and Monitoring Requirements – Outfall Number 003.

Mass loading limits are based on average effluent flow of 40,882 m³/day (10.8 MGD).

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements	
	Concentration and Mass Loading					
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Temperature, water	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	°C	monthly	grab
Flow rate	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	MGD	twice/mos.	continuous
pH	within 6.5 and 9.0 at all times.			S.U.	monthly	grab
Total suspended solids (gross) ⁽²⁾	10	—	15	mg/L	twice/mos.	composite
	409	—	613	kg/day		
Total suspended solids (net) ⁽³⁾	10	—	15	mg/L	twice/mos.	composite
Total Phosphorous	0.10	—	0.8	mg/L	once/3 mos.	composite
	4.1	—	33	kg/day		
Total Nitrogen	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	mg/L	once/3 mos.	composite
Ammonia Impact Ratio	1.0 ⁽⁴⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	Ratio	monthly	calculated
Total Ammonia	N/A ⁽⁵⁾	N/A ⁽⁵⁾	N/A ⁽⁵⁾	mg/L	monthly	grab

(1) No effluent limits are set at this time but monitoring and reporting is required.

(2) Gross Limitations only apply when the concentration of suspended solids in the influent does not exceed daily maximum permit concentration limits. Mass-based limits calculated using 10.8 MGD.

(3) Net limitations only apply when the concentration of suspended solids in the influent exceeds daily maximum permit concentration limits. The net concentration shall be calculated by subtracting the suspended solids concentration in the influent from the suspended solids concentration in the effluent, then compare net amount against permit limits. Permittee shall report computation method used to derive suspended solids values in an addendum to the DMR.

(4) The Ammonia Impact Ratio (AIR) is calculated as the ratio of the measured total ammonia in the effluent and the applicable total ammonia standard for coldwater habitat from the White Mountain Apache Tribe Water Quality Standards Section 3.6 and Appendix A. See Attachment D for a sample log to help calculate and record

the AIR values. The AIR is the ammonia average monthly effluent limit and must be reported in the DMRs in addition to the measured total ammonia, pH, and temperature values.

(5) Monitoring for total ammonia, pH and temperature must be concurrent.

Table 2. Influent Monitoring Requirements – Inlet 001

Parameter	Concentration				Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Temperature, water	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	°C	twice/mos.	grab
Flow rate	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	MGD	twice/mos.	continuous
Total suspended solids	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	mg/L	twice/mos.	composite
Total Nitrogen	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	mg/L	once/3 mos.	composite
Total Phosphorus	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾	mg/L	once/3 mos.	composite

(1) Only monitoring and reporting is required.

C. Effluent limitation guidelines:

The facility is subject to the following effluent limitation guidelines provided in 40 CFR Part 451 for aquaculture facilities that produce more than 100,000 pounds per year:

A. Solids control. The permittee must:

(1) Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products to waters of the U.S.

(2) In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting aquatic animals in the production system.

(3) Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S., except in cases where the permitting authority authorizes such discharge in order to benefit the aquatic environment.

B. Materials storage. The permittee must:

(1) Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the U.S.

(2) Implement procedures for properly containing, cleaning, and disposing of any spilled material.

C. Structural maintenance. The permittee must:

- (1) Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
- (2) Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.

D. Recordkeeping. The permittee must:

- (1) In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.
- (2) Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.

E. Training. The permittee must:

- (1) In order to ensure the proper clean-up and disposal of spilled material adequately train all relevant facility personnel in spill prevention and how to respond in the event of a spill.
- (2) Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.

F. Chemical Usage. Additionally, EPA has retained the following requirement to document chemical usage at the site. The permittee must:

- (1) Submit annually by January 31st each year a list of all chemicals added to water in the fish hatchery during the preceding year.
- (2) The chemical list shall include antibiotics, fungicides, detergents, and other cleaning agents, disinfectants and any other chemicals added to the water. The submittal shall include information on frequency and duration of use, purpose, and amounts. If no chemicals are added, then submittal shall indicate this in DMR.

D. Narrative effluent limits:

Tribal waters shall be free of contaminants in such quantity and duration as may, with reasonable probability, injure human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property. In addition, the following narrative standards apply to all Tribal Waters, unless stricter standards are imposed.

3. The discharge shall not cause, the discharge shall not contain, the discharge shall be free from, etc.:
 - a. **BOTTOM DEPOSITS.** The bottoms of all Tribal waters shall be free from water contaminants from other than natural causes that will settle and cause deleterious effects to the aquatic biota, including fish, or significantly alter the physical or chemical properties of the bottom.
 - b. **FLOATING SOLIDS, OIL, AND GREASE.** All waters shall be free from visible oils, scum, foam, grease and other floating materials and suspended substances of a persistent nature resulting from other than natural causes.

- c. **COLOR.** Materials producing true color resulting from other than natural causes shall not create an aesthetically undesirable condition; nor shall color impair the attainable uses of the water or harm aquatic life.
- d. **ODOR AND TASTE.** Water contaminants from other than natural causes shall be limited to concentrations that will not impart unpalatable flavor to fish, result in offensive odor or taste arising from the water, or otherwise interfere with the existing and attainable uses of the water, nor shall taste and odor-producing substances of other than natural origin interfere with the production of a potable water supply by modern treatment methods.
- e. **NUISANCE CONDITIONS.** Nutrients or other substances stimulating algal growth from other than natural causes shall not be present in concentrations that will produce objectionable algal densities, nuisance aquatic vegetation, result in a dominance of nuisance species instream, or otherwise cause nuisance conditions.
- f. **TURBIDITY.** Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the aquatic biota is inhibited or that will cause an unaesthetic and substantial visible contrast with the natural appearance of the water. Specifically, turbidity shall not exceed 5 NTU over background when background turbidity is 50 NTU or less. When background turbidity is more than 50 NTU, there shall not be more than a 10% increase in turbidity. Background turbidity may be estimated by measuring levels upstream of the human-caused impacts or during zero runoff periods (greater than five (5) days after most recent event).
- g. **TEMPERATURE.** The introduction of heat by other than natural causes shall not increase temperature outside mixing zones by more than 2.0°C (5°F), based upon the monthly average of the maximum daily temperatures measured at mid-depth or three feet (whichever is less) outside the mixing zone. Normal daily and seasonal variations of temperature that were present before the addition of heat from other than natural sources shall be maintained. In no case shall heat of artificial origin be permitted when the maximum temperature specified for the reach would thereby be exceeded. High water temperatures caused by unusually high ambient air temperatures are not violations of these standards. In cases where dissolved oxygen levels are within 0.5 mg/l of the limit, no increases in temperature will be allowed.
- h. **SALINITY/MINERAL QUALITY** (total dissolved solids, chlorides, and sulfates). Existing mineral concentrations shall not be altered by municipal, industrial, or instream activities, or other waste discharges that would interfere with established designated uses. No increase exceeding 1/5 of naturally-occurring levels shall be permitted.
- i. **pH.** The pH of a stream or a lake shall not fluctuate in excess of 1.0 pH unit over a period of 24 hours for other than natural causes and shall be within a range of 6.5-9.0.

- j. **DISSOLVED OXYGEN.** If a surface water body is capable of supporting aquatic life, dissolved oxygen concentration shall be maintained at a minimum of 6.0 mg/l.
- k. **TOXIC SUBSTANCES.** Toxic substances, including, but not limited to pesticides, herbicides, heavy metals, and organic chemicals, shall not be present in Tribal waters above those levels identified in 40 CFR Part 131.36 as toxic to human, animal, plant, or aquatic life, or to interfere with the normal propagation, growth, and survival of the aquatic biota, including fish. There shall be no acute toxicity. At the edge of the mixing zones there shall be no chronic toxicity.

D. Sampling

- 1. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- 2. Samples shall be taken at the following locations:
 - a. Influent samples shall be taken upstream of the hatchery and prior to any treatment or additives.
 - b. Effluent samples shall be taken downstream from the last treatment process prior to discharge into receiving waters.
- 3. If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the parameters listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. The permittee is not required to take effluent samples when there is no discharge.

E. General Monitoring and Reporting

- 1. All monitoring shall be conducted in accordance with 40 CFR 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR 136 test methods with MDLs and MLs that are lower than the effluent limits in this permit and the water quality criteria concentrations in the National Recommended Water Quality Criteria. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure "total recoverable metal", except as provided under 40 CFR 122.45(c).
- 2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
 - a. The test method number or title and published MDL or ML,
 - b. The preparation procedure used by the laboratory,

- c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR 136,
- d. The standard deviation (S) from the laboratory's MDL study,
- e. The number of replicate analyses (n) used to compute the laboratory's MDL, and
- f. The laboratory's lowest calibration standard.

As part of each DMR submittal, the permittee shall certify that there are no changes to the laboratory's test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory's test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

- 3. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. At a minimum, the QA Manual shall include the following:
 - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
 - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR 136.3); and chain of custody procedures;
 - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and
 - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
- 4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.

5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:
 - a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.
 - b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.
 - c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:

The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.
6. In addition to information requirements specified under 40 CFR 122.41(j)(3), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
7. The permittee shall electronically submit Discharge Monitoring Reports to EPA using NetDMR (<http://www.epa.gov/netdmr>).
8. DMR forms shall be submitted by the 28th day of the month following the previous reporting period. For example, under monthly submission the DMR form for January is due by February 28th, and under quarterly submission, the three DMR forms for January, February, and March are due on April 28th. Monitoring and reporting schedules are as follows:

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	DMR Due Date
Continuous	Permit effective date	Continuous	28 th day of the following month
Twice/Month	Permit effective date	First day of the calendar month through last day of the calendar month	28 th day of the month following calendar quarter
Once/Quarter	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	28 th day of the month following calendar quarter

A DMR form must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required.

9. The permittee shall submit a duplicate Discharge Monitoring Report (via electronic or hardcopy) to White Mountain Apache Tribe at the following address:

White Mountain Apache Tribe
Environmental Planning Office
P.O. Box 816
Fort Apache, AZ 85926
Telephone: (928) 338-4267
Attn: CherylPailzote@wmat.us (Water Resources Manager)

F. Receiving Water Monitoring

Receiving water monitoring (downstream of point of discharge) is not required; however due to nature of this facility where hatchery intake contains natural levels of certain parameters, the influent monitoring of upstream (intake) river water is required for comparison with effluent levels.

Part II. SPECIAL CONDITIONS

A. 401 certification conditions issued by White Mountain Apache Tribe:

1. The permittee is responsible for obtaining all other permits, licenses and certifications that may be required by federal, state, or tribal authorities.
2. The fish hatchery shall be operated in conformance with the project description provided in the Clean Water Act Section 401 certification application. Any material changes to these plans must be submitted to White Mountain Apache Tribe (WMAT)

Water Resources Manager for review and approval before the changes are implemented.

3. The permittee shall have a spill containment plan onsite to ensure that pollutants are prevented from entering the North Fork of the White River or drainages that may lead to the river. The permittee must designate area(s) entirely outside the river/drainages for chemical and petroleum or oil storage. A spill response kit will be maintained in this (these) area(s) to mitigate any spills.
4. If any fuel spill or release of chemical should occur at or near the Project sites, it shall be immediately contained and reported to the WMAT Environmental Protection Office at (928) 338-4325 and Water Quality Officer (928) 338-4267.
5. If at any time, an unauthorized discharge occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. WMAT Water Resources Water Quality Officer shall be notified immediately after the unauthorized discharge or water quality problem arises.
6. If Cultural Resources are encountered, the project is to immediately cease and the Tribal Historic Preservation Office (THPO) Mark Altaha (928) 338-3033 is to be notified.
7. This Certification is void if the operation and discharge is not consistent with the project description provided above and in the 401 Water Quality Certification application.

B. Permit Reopener(s)

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

C. Twenty-four Hour Reporting of Noncompliance

The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA and White Mountain Apache Tribe staff person within 24 hours from the time the permittee becomes aware of the circumstances. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance. The permittee shall notify EPA and White Mountain Apache Tribe at the following telephone numbers:

U.S. Environmental Protection Agency
CWA Compliance Office

(415) 972-3577

White Mountain Apache Tribe,
Cheryl Pailzote (Water Resources Manager)
(928) 338-4267

The permittee shall follow up with a written submission within five 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.

1. 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 limit in the permit (see 40 CFR 122.44(g)).
 - b. Any upset which exceeds any effluent limit in the permit.
 - c. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR 122.44(g)).
2. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

D. Best Management Practices

1. Solids control. The permittee must:
 - a. Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products to waters of the U.S.
 - b. In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting aquatic animals in the production system.
 - c. Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S., except in cases where the permitting authority authorizes such discharge in order to benefit the aquatic environment.
2. Materials storage. The permittee must:
 - a. Insure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the U.S.

- b. Implement procedures for properly containing, cleaning, and disposing of any spilled material.
3. Structural maintenance. The permittee must:
 - a. Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
 - b. Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.
4. Recordkeeping. The permittee must:
 - a. In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.
 - b. Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.
5. Training. The permittee must:
 - a. In order to ensure the proper clean-up and disposal of spilled material adequately train all relevant facility personnel in spill prevention and how to respond in the event of a spill.
 - b. Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.
6. Chemical Usage. The permittee must:
 - a. Submit annually by January 31st each year a list of all chemicals added to water in the fish hatchery during the preceding year.
 - b. The chemical list shall include antibiotics, fungicides, detergents, and other cleaning agents, disinfectants and any other chemicals added to the water. The submittal shall include information on frequency and duration of use, purpose, and amounts.

Part III. POLLUTION PREVENTION PLAN REQUIREMENTS

1. In accordance with section 304(e) of the CWA and 40 CFR 122.44(k), the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices (“BMPs”) designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute significant amounts of such pollutants to surface waters. The permittee shall develop (or update) and implement a Pollution Prevention Plan (the “Plan”) that describes the pollution prevention measures or BMPs that specifically apply to the facility.

2. The Plan must identify the potential sources of pollution which may reasonably be expected to affect the quality of the effluent discharges from the facility; describe and ensure implementation practices which will be used to reduce the pollutants in effluent discharges from the facility; and assure compliance with the terms and conditions of this permit. A copy of the permittee's Pollution Prevention plan shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its Pollution Prevention Plan and revise it, as appropriate.
3. The Plan shall include the following contents:
 - a. the identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the Plan.
 - b. a description of the facility that includes:
 - (1) a description of the nature of the industrial activity(ies) at the facility;
 - (2) a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility; and
 - (3) a drainage site map identifying the directions (using arrows) of storm water and non-storm water flow; location of areas where storm water and non-storm water co-mingle, if applicable; locations of all existing structural BMPs and all surface water bodies; locations of potential pollutant sources and locations of significant materials and activities (e.g., fueling stations, vehicle and equipment cleaning areas, loading/unloading areas, locations used for treatment, storage and disposal of wastes, processing and storage areas, liquid storage tanks, location of transfer of substance in bulk, etc.) that exposed to precipitation; and locations of storm water outfalls.
 - c. the name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.
 - d. a summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate non-storm water effluent and those that are exposed to storm water (e.g., on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas); and a list of associate pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity.

Part IV. STANDARD CONDITIONS

The permittee shall comply with all EPA Region 9 Standard Conditions below.

A. All NPDES Permits

In accordance with 40 CFR 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

1. Duty to comply; at 40 CFR 122.41(a).

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

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. The CWA provides that 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 \$25,000 per day for each violation. The CWA 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 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. 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. 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 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, such as defined in section 309(c)(3)(B)(iii) of the CWA, 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.

- c. Any person may be assessed an administrative civil 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 such sections in a permit issued under section 402 of this Act. The statutory administrative civil penalty amounts for CWA violations, as adjusted for inflation, are set forth in 40 C.F.R. § 19.4.
2. Duty to reapply; at 40 CFR 122.41(b).

If the permittee wishes 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. Any permittee with a currently effective permit 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 Director.
 3. Need to halt or reduce activity not a defense; at 40 CFR 122.41(c).

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.
 4. Duty to mitigate; at 40 CFR 122.41(d).

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.
 5. Proper operation and maintenance; at 40 CFR 122.41(e).

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
 6. Permit actions; at 40 CFR 122.41(f).

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 a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property rights; at 40 CFR 122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to provide information; at 40 CFR 122.41(h).

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

9. Inspection and entry; at 40 CFR 122.41(i).

The permittee shall allow the Director, 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.

10. Monitoring and records; at 40 CFR 122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of 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. This period may be extended by request of the Director at any time.

- c. Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed
 - (iv) The individuals(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- d. Monitoring 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 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.

11. Signatory requirement; at 40 CFR 122.41(k).

- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22.) All permit applications shall be signed as follows:
 - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the

manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (2) 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 well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (3) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section 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 paragraph (b) of this section must be submitted to the Director

prior to or together with any reports, information, or applications to be signed by an authorized representative.

- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

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

- e. 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 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.

12. Reporting requirements; at 40 CFR 122.41(l).

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:
- (i) 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
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
 - (iii) 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 that are 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 Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

- c. Transfers. This permit is not transferable to any person except after notice to the Director. 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 CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)
 - a. Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
 - b. Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) 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. 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 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR 127.
 - (ii) 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 503, or as specified in the permit, the results of such monitoring shall be included in

the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
 - (i) 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 report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report 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. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2020 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events 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 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127.
 - (ii) 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 Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under 40 CFR 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.

- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR 122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) 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 Director, it shall promptly submit such facts or information.

13. Bypass; at 40 CFR 122.41(m).

a. Definitions.

- (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) "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.

- 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 provisions of paragraphs 40 CFR 122.41(m)(3) and (m)(4) of this section.

c. Notice.

- (i) 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.
- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(iii) As of December 21, 2020 all notices 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), [40 CFR 122.22](#), and [40 CFR part 127](#). Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

d. Prohibition of bypass.

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

(2) The Director 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 (m)(4)(i) of this section.

14. Upset; at 40 CFR 122.41(n).

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative 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 (n)(3) 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:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph (d) of this section.
 - d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
15. Reopener Clause; at 40 CFR 122.44(c).
- For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.
16. Minor modifications of permits; at 40 CFR 122.63.
- Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR 124 draft permit and public notice as required in 40 CFR 122.62. Minor modifications may only:
- a. Correct typographical errors;
 - b. Require more frequent monitoring or reporting by the permittee;
 - c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
 - d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that

a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.

- e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR 122.29.
 - f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
 - g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.
17. Termination of permits; at 40 CFR 122.64.
- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
 - (1) Noncompliance by the permittee with any conditions of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA section 308

Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

19. Removed Substances; pursuant to CWA section 301

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

20. Severability; pursuant to CWA section 512

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.

21. Civil and Criminal Liability; pursuant to CWA section 309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

22. Oil and Hazardous Substances Liability; pursuant to CWA section 311

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 to which the permittee is or may be subject under Section 311 of the CWA.

23. State, Tribe, or Territory Law; pursuant to CWA section 510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

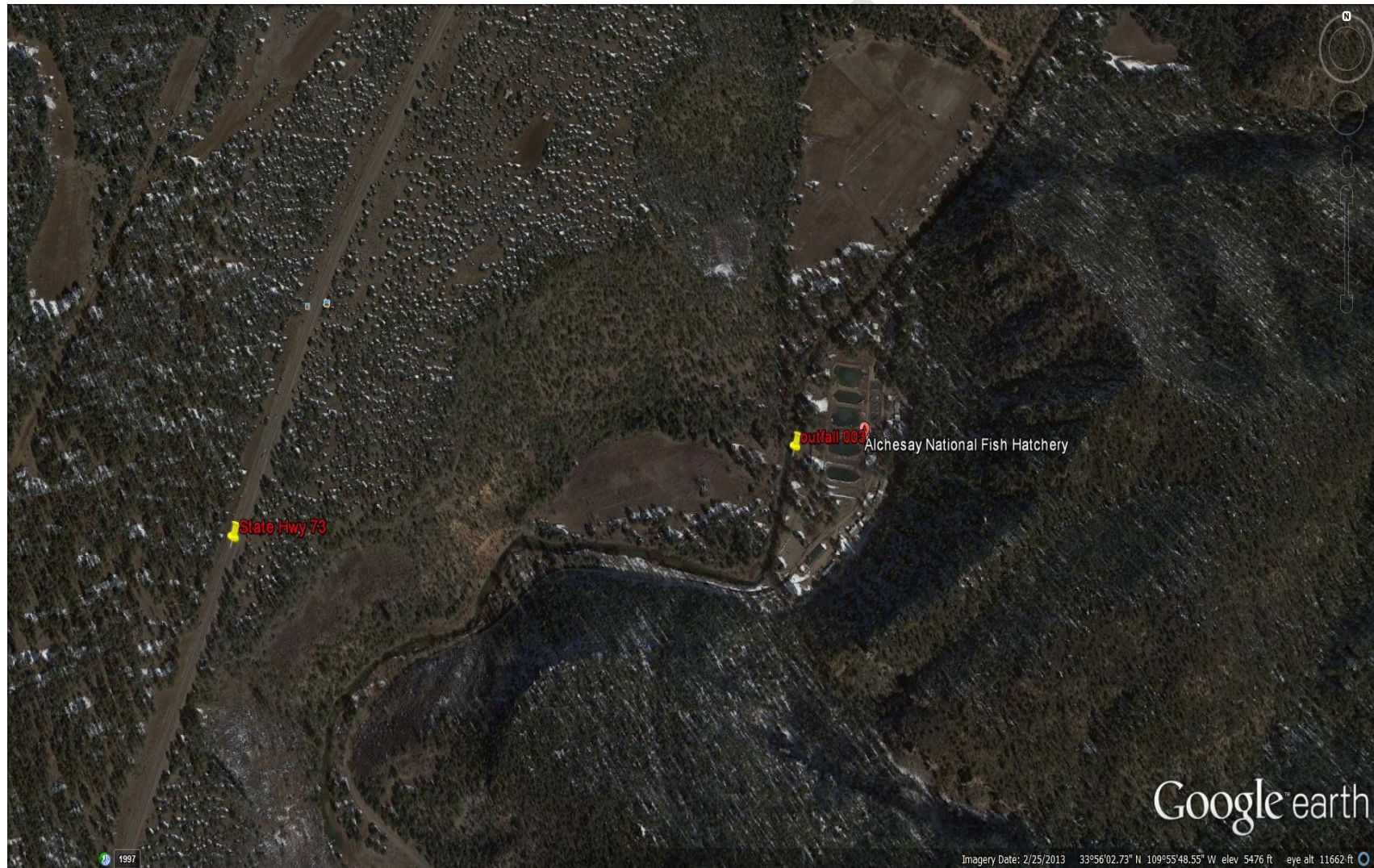
Attachment A: Definitions

1. “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.
2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A “composite” sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A “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.
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not

outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

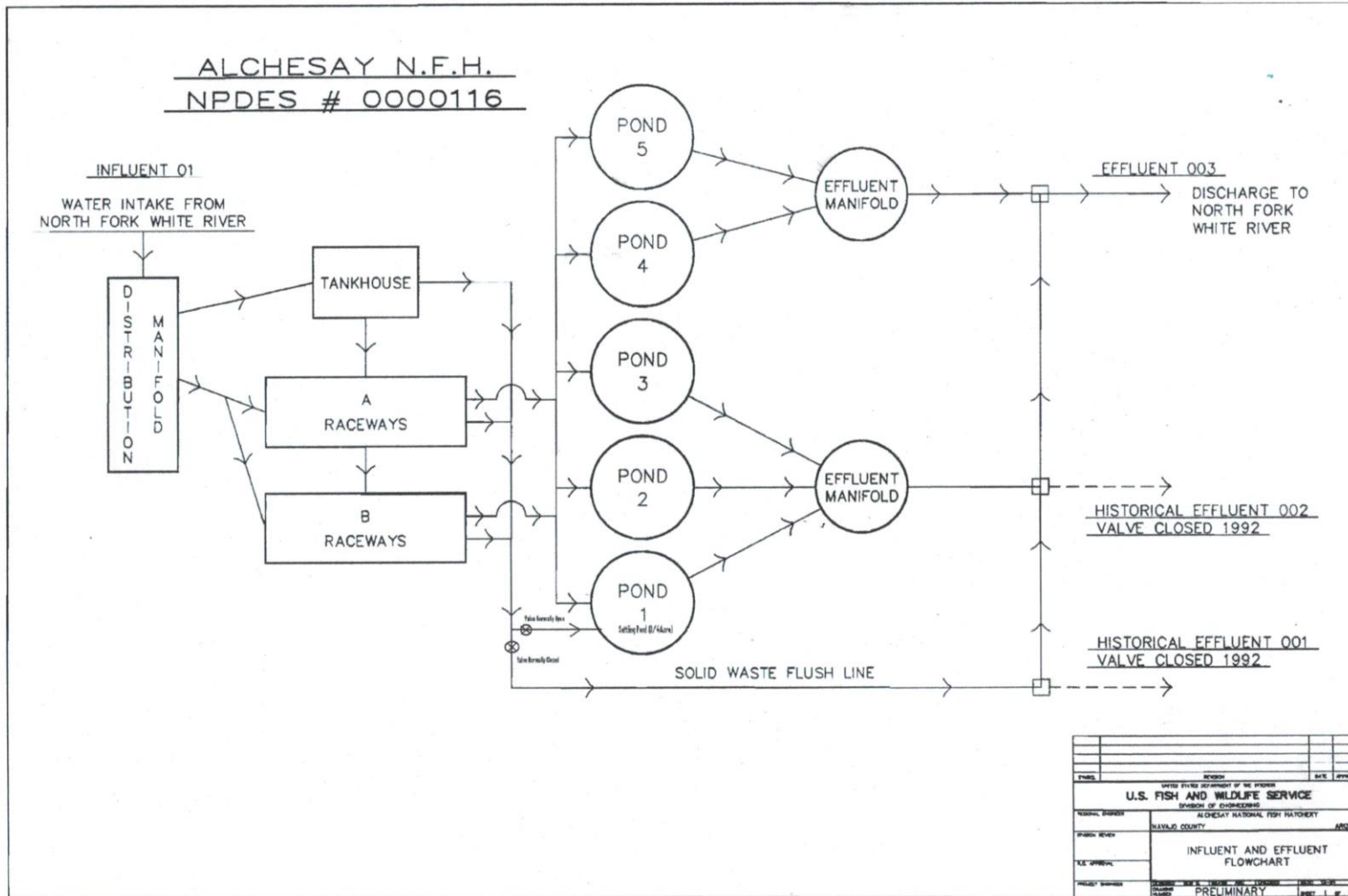
9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by a specific laboratory method in 40 CFR 136. The procedure for determination of a laboratory MDL is in 40 CFR 136, Appendix B.
10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
 - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
 - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of $(1, 2, \text{ or } 5) \times 10^n$, where n is zero or an integer. (For example, if an MDL is $2.5 \mu\text{g/l}$, then the calculated ML is: $2.5 \mu\text{g/l} \times 3.18 = 7.95 \mu\text{g/l}$. The multiple of $(1, 2, \text{ or } 5) \times 10^n$ nearest to 7.95 is $1 \times 10^1 = 10 \mu\text{g/l}$, so the calculated ML, rounded to the nearest whole number, is $10 \mu\text{g/l}$.)
11. A “NODI(B)” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
12. A “NODI(Q)” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.

Attachment B: Location Map



(8 miles north of Whiteriver, Arizona)

Attachment C: Wastewater Flow Schematic



Attachment D. Ammonia Data Log and Ammonia Chronic Criteria from the White Mountain Apache Tribe's Water Quality Protection Ordinance

Ammonia Impact Ratio is the ratio of Measured Ammonia Value in comparison to the Ammonia chronic criteria. Calculated as Measured effluent Ammonia \div Ammonia criteria

[illegible]

Please copy and complete for each month of each year for permit term. Permittee may sample more frequently and record any additional results. Attach any additional pages as necessary.

Signature of Authorized Representative: _____

Total Ammonia Standards (mg/l as N) - Coldwater Habitat

Chronic Standards

Temp (°C)	pH										
	6.50	6.75	7.00	7.25	7.50	7.75	8.00	8.25	8.50	8.75	9.00
0.00	2.50	2.50	2.50	2.50	2.56	2.30	1.50	0.84	0.48	0.28	0.16
1.00	2.50	2.50	2.50	2.50	2.50	2.30	1.50	0.83	0.47	0.27	0.16
2.00	2.40	2.40	2.40	2.40	2.40	2.20	1.50	0.82	0.47	0.27	0.16
3.00	2.40	2.40	2.40	2.40	2.40	2.20	1.40	0.81	0.46	0.27	0.16
4.00	2.40	2.40	2.40	2.40	2.40	2.20	1.40	0.80	0.46	0.27	0.16
5.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.80	0.45	0.26	0.16
6.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.79	0.45	0.26	0.16
7.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.78	0.45	0.26	0.16
8.00	2.30	2.30	2.30	2.30	2.30	2.10	1.40	0.77	0.44	0.26	0.15
9.00	2.20	2.20	2.20	2.20	2.20	2.10	1.30	0.77	0.44	0.26	0.16
10.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.76	0.44	0.26	0.16
11.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.76	0.44	0.26	0.16
12.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.75	0.44	0.26	0.16
13.00	2.20	2.20	2.20	2.20	2.20	2.00	1.30	0.75	0.43	0.26	0.16
14.00	2.10	2.10	2.10	2.10	2.20	2.00	1.30	0.75	0.43	0.26	0.16
15.00	2.10	2.10	2.10	2.10	2.10	2.00	1.30	0.74	0.43	0.26	0.16
16.00	2.00	2.00	2.00	2.00	2.00	1.80	1.20	0.69	0.40	0.24	0.15
17.00	1.80	1.80	1.80	1.80	1.80	1.70	1.10	0.64	0.38	0.23	0.14
18.00	1.70	1.70	1.70	1.70	1.70	1.60	1.00	0.60	0.35	0.21	0.14
19.00	1.60	1.60	1.60	1.60	1.60	1.50	0.97	0.56	0.33	0.20	0.13
20.00	1.50	1.50	1.50	1.50	1.50	1.40	0.90	0.52	0.31	0.19	0.12
21.00	1.40	1.40	1.40	1.40	1.40	1.30	0.84	0.49	0.29	0.18	0.12
22.00	1.30	1.30	1.30	1.30	1.30	1.20	0.79	0.46	0.27	0.17	0.11
23.00	1.20	1.20	1.20	1.20	1.20	1.10	0.73	0.43	0.26	0.16	0.10
24.00	1.10	1.10	1.10	1.10	1.10	1.00	0.69	0.40	0.24	0.15	0.10
25.00	1.00	1.00	1.00	1.00	1.00	0.96	0.64	0.38	0.23	0.14	0.10
26.00	0.95	0.95	0.96	0.96	0.97	0.90	0.60	0.35	0.21	0.13	0.09
27.00	0.89	0.89	0.89	0.90	0.91	0.84	0.56	0.33	0.22	0.13	0.09
28.00	0.83	0.83	0.83	0.84	0.85	0.79	0.53	0.31	0.19	0.12	0.08
29.00	0.77	0.78	0.78	0.78	0.79	0.73	0.49	0.29	0.18	0.12	0.08
30.00	0.72	0.72	0.73	0.73	0.74	0.69	0.46	0.28	0.17	0.00	

(Copied from White Mountain Apache Tribe Water Quality Protection Ordinance. Page 36)