



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

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

**NPDES Permit No. DC0000019**

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",

**Department of the Army  
Baltimore District, Corps of Engineers  
Washington Aqueduct Division**

is authorized to discharge from a facility located at

**Washington Aqueduct  
5900 MacArthur Boulevard, NW  
Washington, D.C. 20016-2514**

to receiving waters named

**Potomac River, Rock Creek, Mill Creek and Little Falls Branch**

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

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

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

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

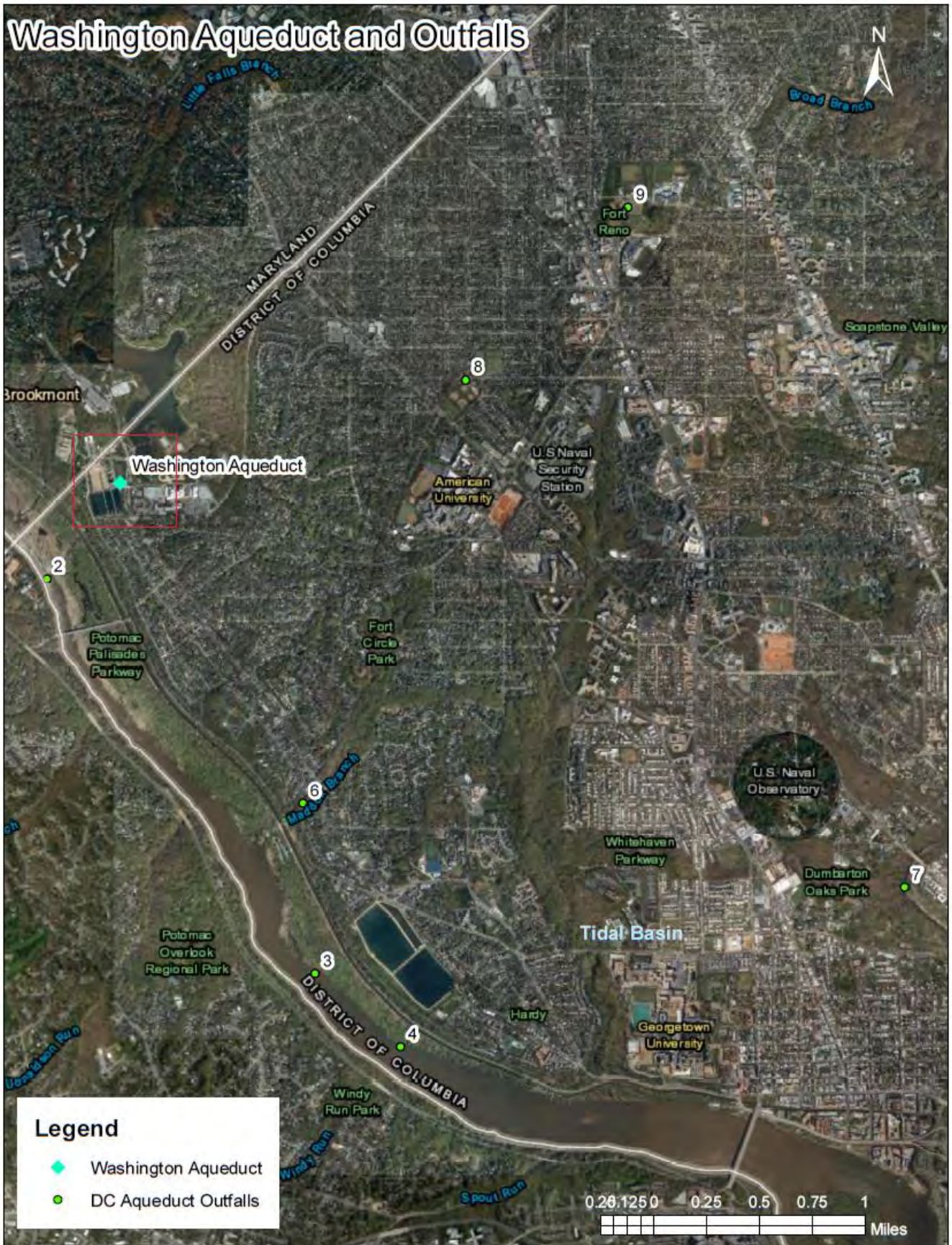
The permittee shall apply for permit reissuance on or before (date), 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

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

\_\_\_\_\_  
Catherine A. Libertz, Director  
Water Division

## TABLE OF CONTENTS

PART I. LIMITATIONS AND MONITORING REQUIREMENTS .....	4
Section A. Effluent Limitations and Monitoring Requirements – Dalecarlia Sedimentation Basins....	4
Section B. Effluent Limitations and Monitoring Requirements – Dalecarlia Sedimentation Basins....	5
Section C. Effluent Limitations and Monitoring Requirements – Georgetown Sedimentation Basins.	6
Section D. Effluent Limitations and Monitoring Requirements – Georgetown Conduit .....	6
Section E. Effluent Limitations and Monitoring Requirements – City Tunnel .....	8
Section F. Effluent Limitations and Monitoring Requirements – Second High Reservoir .....	9
Section G. Effluent Limitations and Monitoring Requirements – Third High Reservoir .....	10
Section H. Monitoring and Reporting.....	11
PART II. STANDARD CONDITIONS .....	12
Section A. General Conditions .....	12
Section B. Operation & Maintenance of Pollution Controls .....	14
Section C. Monitoring Requirements .....	16
Section D. Reporting Requirements .....	17
Section E. Definitions and Abbreviations.....	20
Section F. Commonly Used Abbreviations .....	25
Section G. Best Management Practices .....	26
PART III. SPECIAL CONDITIONS.....	28
Section A. Dalecarlia Sedimentation Basins .....	28
Section B. Georgetown Sedimentation Basins .....	28
Section C. Additional Special Conditions .....	29
Section D. Considerations under Federal Law .....	29



## PART I. LIMITATIONS AND MONITORING REQUIREMENTS

### Section A. Effluent Limitations and Monitoring Requirements – Dalecarlia Sedimentation Basins (Outfall 002)

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Dalecarlia Sedimentation Basins 1, 2, 3 and 4 through Outfall 002. These discharges are subject to the special condition provisions found in Part III of this permit.

As specified below, the discharge shall be monitored and sampled by the permittee at the access port in the discharge pipe, between the Dalecarlia Basins and the point of entry into the Potomac River accessible on the Capital Crescent Trail. Outfall No. 002 is located at N 38° 55' 57" latitude, W 77° 07' 03" longitude.

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/A	N/L	1/discharge	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/discharge	Time-weighted 24-hr composite
TSS Influent	N/A	N/A	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Aluminum (mg/l)	N/A	467.0	N/L	8.0	1/discharge	Time-weighted 24-hr composite
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
pH (Std units)	6.0 - 8.5				Daily	Grab
Total Residual Chlorine <sup>2</sup> (mg/l)	No detectable				Daily	Grab*
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L.

\* A grab sample be taken for Total Residual Chlorine which shall be sampled at the start of the discharge.



## Section B. Effluent Limitations and Monitoring Requirements – Dalecarlia Sedimentation Basins (Outfall 002Q)

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge effluent composed of leakage and/or a spring located underneath the Dalecarlia Sedimentation Basins through Outfall 002Q. Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/L	N/L	1/quarter	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/quarter	Grab
Total Aluminum (mg/l)	N/A	3.3	N/L	8.0	1/quarter	Grab
Total Iron (mg/l)	N/A	N/A	N/L	N/L	1/quarter	Grab
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Grab
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Grab
pH (Std units)	6.0 - 8.5				1/quarter	Grab
Total Residual Chlorine <sup>2</sup> (mg/l)	No detectable				1/quarter*	Grab
Perchlorate (mg/l)	N/A	N/A	N/L	N/L	1/quarter	Grab
Chloroform (mg/l)	N/A	N/A	N/L	N/L	1/quarter	Grab
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L. As specified in the monitoring requirements above, samples shall be taken from an access port in the discharge pipe between the point at which the basin underdrains tie into a single pipe and the point of entry to the Potomac River, accessible from Canal Road north of the Hydro Building.

\*In addition to the monitoring requirement of 1/quarter, monitoring will be done at a frequency of 1/day grab whenever pre-chlorination to the Dalecarlia sedimentation basins is occurring.

### Section C. Effluent Limitations and Monitoring Requirements – Georgetown Sedimentation Basins (Outfalls 003, 004)

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Georgetown Sedimentation Basins through Outfalls 003 and 004. Outfall 004 is the discharge point for effluent and solids from the Georgetown Sedimentation Basin #1. Outfall 003 and Outfall 004 are discharge points for effluent and solids from the Georgetown Sedimentation Basin #2. These discharges are subject to the special condition provisions found in Part III of this permit.

As specified below, the discharge shall be monitored and sampled by the permittee at the discharge pipe, Outfall No. 003, which is located at N 38° 54' 41.5" latitude, W 77° 05' 57" longitude and at the discharge pipe, Outfall No. 004, which is located at N 38° 54' 27.5" latitude, W 77° 05' 36" longitude.

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/A	N/L	1/discharge	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/discharge	Time-weighted 24-hr composite
TSS Influent	N/A	N/A	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Aluminum (mg/l)	N/A	2669	N/L	8.0	1/discharge	Time-weighted 24-hr composite
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
pH (Std units)	6.0 - 8.5				Daily	Grab
Total Residual Chlorine <sup>2</sup> (mg/l)	No detectable				Daily	Grab*
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

Samples taken in compliance with the monitoring requirements specified above, shall be taken in an access port in the discharge pipe between the Georgetown Basins and the point of entry into the Potomac River for both Outfall 003 and 004.

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L.

\* A grab sample be taken for Total Residual Chlorine which shall be sampled at the start of the discharge.

**Section D. Effluent Limitations and Monitoring Requirements – Georgetown Conduit (Outfall 006)**

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall 006 to Potomac River. These discharges are subject to the special condition provisions found in Part III of this permit.

As specified below, the discharge shall be monitored and sampled by the permittee at the discharge pipe, Outfall No. 006, which is located at N 38° 55' 14" latitude, W 77° 06' 00" longitude.

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/A	N/L	1/discharge	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/discharge	Time-weighted 24-hr composite
Total Aluminum (mg/l)	N/A	50	N/L	1.2	1/discharge	Time-weighted 24-hr composite
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
pH (Std units)	6.0 - 8.5				1/discharge	Grab
Total Residual Chlorine <sup>2</sup> (mg/l)	No detectable				1/discharge	Grab*
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L.

\* A grab sample be taken for Total Residual Chlorine which shall be sampled at the start of the discharge.

### Section E. Effluent Limitations and Monitoring Requirements – City Tunnel (Outfall 007)

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall 007 to from City Tunnel to Rock Creek. These discharges are subject to the special condition provisions found in Part III of this permit.

As specified below, the discharge shall be monitored and sampled by the permittee at the discharge pipe, No. 007, which is located at N 38° 54' 58" latitude, W 77° 03' 32" longitude.

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/A	N/L	1/discharge	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/discharge	Time-weighted 24-hr composite
Total Aluminum <sup>2</sup> (mg/l)	N/A	334	N/L	8.0	1/discharge	Time-weighted 24-hr composite
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Recoverable Copper (mg/l)	N/A	0.54	N/L	0.013	1/discharge	Time-weighted 24-hr composite
pH (Std units)	6.0 - 8.5				1/discharge	Grab
Total Residual Chlorine <sup>3</sup> (mg/l)	No detectable				1/discharge	Grab*
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) See Part III: Special Condition

(3) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L.

\* A grab sample be taken for Total Residual Chlorine which shall be sampled at the start of the discharge.



### Section F. Effluent Limitations and Monitoring Requirements – Second High Reservoir (Outfall 008)

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from 008 to Mill Creek. Discharge from Outfall 008 is dechlorinated potable water from the Second High Reservoir.

As specified below, the discharge shall be monitored and sampled by the permittee at the discharge pipe, Outfall No. 008, which is located at N 38° 56' 35" latitude, W 77° 05' 20" longitude.

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/A	N/L	1/discharge	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/discharge	Time-weighted 24-hr composite
Total Aluminum <sup>2</sup> (mg/l)	N/A	467	N/L	8.0	1/discharge	Time-weighted 24-hr composite
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
pH (Std units)	6.0 - 8.5				1/discharge	Grab
Total Residual Chlorine <sup>3</sup> (mg/l)	No detectable				1/discharge	Grab*
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) See Part III: Special Condition

(3) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L.

\* A grab sample be taken for Total Residual Chlorine which shall be sampled at the start of the discharge.

### Section G. Effluent Limitations and Monitoring Requirements – Third High Reservoir (Outfall 009)

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from 009 to Mill Creek. Mill Creek is a tributary to Little Falls Branch. Discharge from Outfall 009 is dechlorinated potable water from the Third High Reservoir.

As specified below, the discharge shall be monitored and sampled by the permittee at the discharge pipe, Outfall No. 009, which is located at N 38° 57' 08" latitude, W 77° 04' 40" longitude.

Parameter	Discharge Limitation				Monitoring Requirements	
	Mass Units (lbs/day)		Others		Sample Frequency	Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow (MGD)	N/A	N/A	N/A	N/L	1/discharge	Estimate
Total Suspended Solids <sup>1</sup> (mg/l)	N/L	N/L	30	60	1/discharge	Time-weighted 24-hr composite
Total Aluminum <sup>2</sup> (mg/l)	N/A	667	N/L	8.0	1/discharge	Time-weighted 24-hr composite
Total Nitrogen (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
Total Phosphorus (mg/l)	N/L	N/L	N/L	N/L	1/discharge	Time-weighted 24-hr composite
pH (Std units)	6.0 - 8.5				1/discharge	Grab
Total Residual Chlorine <sup>3</sup> (mg/l)	No detectable				1/discharge	Grab*
The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.						

(1) See Operation and Maintenance Part 2 Section B (Page 15)

(2) See Part III: Special Condition

(3) No chlorine shall be discharged in detectable amounts. The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1mg/L

\*A grab sample be taken for Total Residual Chlorine which shall be sampled at the start of the discharge.

## Section H. Monitoring and Reporting

### 1. Submittal of DMRs Using NetDMR

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

The Permittee must electronically submit Discharge Monitoring Reports (DMRs) using EPA's NetDMR electronic reporting tool found at: (<https://netdmr.epa.gov/netdmr/public/login.htm>). The Permittee must also submit analytical data sheets from any laboratory it uses through the NetDMR system as attachments to the DMR. The Permittee shall continue to submit its monitoring data in DMRs to EPA and DOEE no later than the 28th day of the following month electronically using NetDMR. When the Permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to EPA or DOEE.

## **PART II. STANDARD CONDITIONS**

### **Section A. General Conditions**

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

#### **1. Duty to Comply**

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

- a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions 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 CWA, 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 CWA, is subject to a civil penalty. Any person who negligently or knowingly violates such sections of the CWA or such permit requirements is subject to criminal penalties or by imprisonment, or both.
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA.

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

#### **2. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 CFR § 122.41(f)]

#### **3. Duty to Provide Information**

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists

for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit. [40 CFR § 122.41(h)]

#### 4. Reopener Clause

The effluent limitations in this permit are based on the District of Columbia's water quality standards and TMDL documents prepared in accordance with the Clean Water Act and applicable regulations. In the event of a revision of the District of Columbia's water quality standards and/or the TMDLs, this permit may be modified by EPA to reflect this revision. The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

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

#### 5. Oil and Hazardous Substance Liability

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

#### 6. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges. [40 CFR § 122.41(g)]

#### 7. Confidentiality of Information

a. In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

b. Claims of confidentiality for the following information will be denied:

- (1) The name and address of any permit applicant or permittee;
- (2) Permit applications, permits, and effluent data as defined in 40 CFR §2.302(a)(2).

- c. Information required by NPDES application forms provided by the Regional Administrator under 40 CFR § 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

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

#### 8. Duty to Reapply

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. The Permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) [40 CFR § 122.41(b)]

#### 9. State Authorities

Nothing in 40 CFR Parts 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an authorized State program. [40 CFR § 122.1(a)(5)]

#### 10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local laws and regulations. [40 CFR §122.5(c)]

### **Section B. Operation & Maintenance of Pollution Controls**

#### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. 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 a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [40 CFR § 122.41(e)]

#### 2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR § 122.41(c)]



### 3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR § 122.41(d)]

### 4. Bypass

#### a. Definitions

- (1) *Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can 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 B.4.c. and 4.d. of this section.

#### c. Notice

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

#### d. Prohibition of bypass

- (1) Bypass is prohibited, and the Regional Administrator 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 4.c. of this section.

- (2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph 4.d(1). of this section.

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

## 5. Upset

- a. Definition. *Upset* means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph B.5.c. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in paragraph D.1.e. (Twenty-four hour notice); and
  - (4) The permittee complied with any remedial measures required under B.3. above.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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

## Section C. Monitoring Requirements

### 1. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records 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 except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.

- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- d. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine or by imprisonment, or both.

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

## 2. Inspection and Entry

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

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

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

## Section D. Reporting Requirements

### 1. Reporting Requirements

- a. Planned Changes.

The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

- (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or
- (2) The alteration or addition could significantly change the nature or increase the 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).
- (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions 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 Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. [40 CFR §122.41(l)(2)]

c. Transfers.

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of 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.)

d. Monitoring reports.

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Regional Administrator for reporting results of monitoring of sludge use or disposal practices.
- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Administrator.

- (3) Calculations for all limitations which require averaging or measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

e. Twenty-four hour reporting

- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)
  - (b) Any upset which exceeds any effluent limitation in the permit.
  - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)
- (3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e. if the oral report has been received within 24 hours.

f. Compliance Schedules.

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

g. Other noncompliance.

The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.a, D.1.d., D.1.e., and D.1.f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e. of this section.

h. Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator, it shall promptly submit such facts or information.

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

2. Signatory Requirement

- a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 CFR § 122.22)
- b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine or by imprisonment, or by both.

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

3. Availability of Reports

Except for data determined to be confidential under Paragraph A.7 above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA. [40 CFR § 2.302(f)]

**Section E. Definitions and Abbreviations**

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

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

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



*Average* means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms and *Escherichia coli*, the average shall be the geometric mean.

*Average monthly discharge limitation* means the highest allowable average of “daily discharges” over a calendar month calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

*Construction activities* – the following definitions apply to construction activities:

- (a) *Commencement of construction* is the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (b) *Dedicated portable asphalt plant* is a portable asphalt plant located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR Part 443.
- (c) *Dedicated portable concrete plant* is a portable concrete plant located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.
- (d) *Final stabilization* means that all soil disturbing activities at the site have been complete, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (e) *Runoff coefficient* means the fraction of total rainfall that will appear at the conveyance as runoff.

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

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

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

*Daily Discharge* means the discharge of a pollutant measured during the calendar day or any other 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

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

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

*Discharge of a pollutant* means:

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

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

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

*Effluent limitation* means any restriction imposed by the Regional Administrator on quantities,

discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States”, the waters of the “contiguous zone”, or the ocean.

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

*EPA* means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Section F. Commonly Used Abbreviations

AML	average monthly limit
CFR	code of federal regulations
CFS	cubic feet per second
CV	coefficient of variation
DO	dissolved oxygen
kg/day	kilograms per day
lbs/day	pounds per day
MDL	maximum daily limit
mg/L or mg/l	milligram(s) per liter
ml/L or ml/l	milliliters per liter
MGD	million gallons per day
N/A	means not applicable
N/L	means not limit but monitoring only
O&G	oil and grease
PCB	polychlorinated biphenyl
pH	a measure of hydrogen ion concentration. A measure of acidity or alkalinity of a liquid or material
RP	reasonable potential
RPA	reasonable potential analysis
°C	temperature in degrees Centigrade
°F	temperature in degrees Fahrenheit
TBEL	technology-based effluent limit
TSD	technical support document for water-quality based toxics control
TSS	total suspended solids
µg/L or µg/l	microgram(s) per liter
WLA	wasteload allocation

WQBEL      water-quality based effluent limit  
ZID          zone of initial dilution

## **Section G. Best Management Practices**

### **1. Applicability**

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

### **2. Best Management Practices Plan**

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

### **3. Implementation**

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

### **4. General Requirements**

The BMP plan shall:

1. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
2. Establish specific objectives for the control of toxic and hazardous pollutants
  - a. Each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
  - b. Where experience indicates a reasonable potential for equipment failure, e.g., tank overflow or leakage, natural phenomena such as rain or snowfall, etc.
3. Establish specific best management practices to meet the objectives identified under Subparagraph 2 of this Paragraph, addressing each component or system capable of causing



a release of significant amounts of toxic or hazardous pollutants to the waters of the United States.

4. Include any special conditions established in Part III of this permit.

5. Be reviewed by plant engineering staff and plant manager.

5. Specific Requirements

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

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

6. Hazardous Waste Management

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

7. Documentation

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

8. BMP Plan Modification

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

9. Modification for Effectiveness

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

and 3, of the permit and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements.

### **PART III. SPECIAL CONDITIONS**

The permittee shall develop and submit all special conditions implementation plans and study plans required under Part III to EPA for review, comment and approval. EPA will coordinate with other involved federal agencies and DOEE during the review, comment and approval of these plans and their implementation. Involved federal agencies are not limited to those identified in this permit.

The permittee is authorized to discharge in accordance with the terms and conditions set forth in Part I of this permit. This permit may be modified if the aluminum effluent discharge concentration result in exceedance of the aluminum water quality criteria in Outfalls 007, 008 and 009.

#### **Section A. Dalecarlia Sedimentation Basins**

The following conditions shall apply to the discharges from Dalecarlia Sedimentation Basins through Outfall 002.

1. This permit specifically prohibits the direct discharges of residuals from the sedimentation basins during the Shortnose and Atlantic Sturgeon Spring Spawning Season (March 15 through July 1). In the event that a residuals discharge as result of a bypass or upset occurs during this period of time, the permittee shall follow notification procedures found at Part II.B.4.c and shall take the actions found at Part II.D.e of this permit. During the Shortnose Sturgeon Spring Spawning Season, all discharges must meet the conditions of Part 1 Section A.
2. Permittee is required to test the discharge from the Dalecarlia Sedimentation Basins for chlorine. The sampling location shall be at the access port in the discharge pipe between the Dalecarlia Sedimentation Basins and the point of entry into the Potomac River. If these samples show a detectable level of chlorine, which for the purpose of this permit is defined as equal to or greater than 0.1 mg/L, the permittee shall provide treatment to ensure that the discharge contains no detectable amounts of chlorine before it is discharged to the Potomac River.

#### **Section B. Georgetown Sedimentation Basins**

The permittee is authorized to discharge in accordance with the terms and conditions set forth in Part I of this permit. In addition, the following conditions shall apply to the discharges from Georgetown Sedimentation Basins through Outfalls 003 and 004.

1. This permit specifically prohibits the direct discharges of residuals from the sedimentation basins during the Shortnose and Atlantic Sturgeon Spring Spawning Season (March 15 through July 1). In the event that a residuals discharge as a result of a

bypass or upset occurs during this period of time, the permittee shall follow notification procedures found at Part II.B.4.c and shall take the actions found at Part II.D.e of this permit. During the Shortnose Sturgeon Spring Spawning Season, all discharges must meet the conditions of Part 1 Section B.

### **Section C. Additional Special Conditions**

1. All discharges to District of Columbia waters, other than those specified in Parts I and III of this permit, are prohibited.
2. The previous permit required TSS effluent limits, average monthly limits equal to 30 mg/l and daily maximum effluent equal to 60 mg/ l. The permittee shall ensure proper operation and maintenance of the Residual Processing Facility to comply with the effluent limits specified in Part 1 consistent with 40 CFR 122.41(f).

### **Section D. Considerations under Federal Law [40 CFR §122.49]**

#### **1. Endangered Species**

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

#### **2. National Historic Preservation Act of 1966**

EPA is undergoing consultation with the District of Columbia State Historic Preservation Officer (DC SHPO) in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations at 36 C.F.R. Part 800.