

United States Environmental Protection Agency
 Region 10
 1200 Sixth Avenue, Suite 155
 Seattle, Washington 98101-3188

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

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

Hecla Limited Lucky Friday Mine
 397 Friday Avenue
 Mullan, Idaho 83846

is authorized to discharge from the Lucky Friday Unit located near Mullan, Idaho, at the following locations:

Outfall	Receiving Water	Latitude	Longitude
001	South Fork Coeur d'Alene River	47.4636°N	115.8053°W
002		47.4689°N	115.7897°W
003		47.4714°N	115.7614°W

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

This permit shall become effective August 1, 2019.

This permit and the authorization to discharge shall expire at midnight, July 31, 2024.

The permittee shall reapply for a permit reissuance on or before February 2, 2024, 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 21st day of June 2019

/s/
 Daniel D. Opalski, Director
 Water Division

The revisions to this permit shall become effective on November 1, 2020.

/s/ September 10, 2020
 Daniel D. Opalski, Director
 Water Division

Schedule of Submissions

Item/Permit Part	Due Date
1. Discharge Monitoring Reports (DMR)/III.B.	Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period
2. Compliance Schedule/II.A.	A Compliance Schedule with interim copper effluent limitations and interim requirements must be met. See Permit Part II.A. for the various due dates.
3. Quality Assurance Plan (QAP)/II.B.	The permittee must provide EPA and DEQ with written notification that the Plan has been developed and implemented within 60 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and DEQ upon request.
4. Best Management Practices (BMP) Plan/II.C.	The permittee must provide EPA and DEQ with written notification that the Plan has been developed and implemented within 60 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and DEQ upon request.
5. NPDES Application Renewal/V.B.	The application must be submitted at least 180 days before the expiration date of the permit.
6. Surface Water Monitoring Results	The Results must be submitted on the DMR for the appropriate reporting period.
7. Twenty-Four Hour Notice of Noncompliance Reporting/III.G. and I.B.	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See Permit Parts III.G. and I.B.2.)

Table of Contents

Schedule of Submissions	2
I. Limitations and Monitoring Requirements.....	4
A. Discharge Authorization	4
B. Effluent Limitations and Monitoring	4
C. Whole Effluent Toxicity Testing Requirements.....	9
D. Surface Water Monitoring.....	13
II. Special Conditions.....	15
A. Copper Schedule of Compliance.....	15
B. Quality Assurance Plan (QAP)	16
C. Best Management Practices Plan	17
III. General Monitoring, Recording and Reporting Requirements	20
A. Representative Sampling (Routine and Non-Routine Discharges).....	20
B. Reporting of Monitoring Results	21
C. Monitoring Procedures	22
D. Additional Monitoring by Permittee.....	22
E. Records Contents	22
F. Retention of Records.....	22
G. Twenty-four Hour Notice of Noncompliance Reporting	22
H. Other Noncompliance Reporting	23
I. Changes in Discharge of Toxic Pollutants.....	23
IV. Compliance Responsibilities	24
A. Duty to Comply	24
B. Penalties for Violations of Permit Conditions	24
C. Need To Halt or Reduce Activity not a Defense.....	26
D. Duty to Mitigate.....	26
E. Proper Operation and Maintenance	26
F. Bypass of Treatment Facilities	26
G. Upset Conditions	27
H. Toxic Pollutants	28
I. Planned Changes	28
J. Anticipated Noncompliance	28
V. General Provisions	28
A. Permit Actions.....	28
B. Duty to Reapply	28
C. Duty to Provide Information	29
D. Other Information.....	29
E. Signatory Requirements	29
F. Availability of Reports	30
G. Inspection and Entry.....	30
H. Property Rights	31
I. Transfers.....	31
J. State Laws	31
VI. Definitions	31
Appendix A	34

I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from either Outfall 001 or 002 and Outfall 003 to the South Fork Coeur d'Alene (SFCdA) River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

- The permittee must limit and monitor discharges from Outfall 001 as specified in Table 1 or Outfall 002 as specified in Table 2; and from Outfall 003 as specified in Table 3, below. All figures represent maximum effluent limitations unless otherwise indicated. The permittee must comply with the effluent limitations in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Table 1 - Effluent Limitations and Monitoring Requirements for Outfall 001						
Parameter	Effluent Limitations				Monitoring Requirements	
	Maximum Daily ¹		Average Monthly ¹		Sample Frequency	Sample Type ⁶
	ug/l	lb/day	ug/l	lb/day		
Cadmium ²	1.5	0.006	0.5	0.002	Monthly ⁵	24-hour composite
Zinc ²	154.9	0.69	61.3	0.27		
Lead ²	36.7	0.16	13.6	0.06	Weekly	24-hour composite
Copper ^{2,8}	1.0	0.005	0.4	0.002		
Mercury ³	0.13	0.0005	0.05	0.0002	Monthly ⁵	Grab
Total Suspended Solids (TSS)	30 mg/L	--	20 mg/L	--	Monthly ⁵	24-hour composite
TSS, loading ⁷	Annual Average not to exceed 247 lbs/day				Annual	Calculation
pH	within the range of 6.5 – 10.0 standard units				Weekly	Grab
Outfall Flow	Report in cfs		Report in cfs		Daily	Recording
Hardness, as CaCO ₃	--		Report in mg/l		Monthly	24-hour composite
Temperature ⁹	Report in °C		Report in °C		Continuous	Meter

Table 1 - Effluent Limitations and Monitoring Requirements for Outfall 001						
Parameter	Effluent Limitations				Monitoring Requirements	
	Maximum Daily ¹		Average Monthly ¹		Sample Frequency	Sample Type ⁶
	ug/l	lb/day	ug/l	lb/day		
WET ⁴	Report in TU _c		--		Quarterly	24-hour composite
SFCdA River flow directly upstream of the outfall	Report in cfs		Report in cfs		Daily	Measure

Footnotes:

- 1- Values are ug/l and lb/day unless otherwise noted.
- 2- These parameters must be reported and analyzed as total recoverable.
- 3- Mercury must be analyzed and reported as total.
- 4- See Part I.C. for WET testing requirements.
- 5- The permittee may request a further reduction in monitoring to once every 2 months from DEQ for cadmium, zinc, mercury and TSS after two years from the effective date of the permit. Any other reduction is considered a modification and cannot be changed without a formal modification process.
- 6- The 24-hour composite samples must be flow proportional. See Permit Part VI.26.
- 7- See paragraph 4, below.
- 8- See paragraph 9, below, for compliance level requirements.
- 9- See paragraph 10, below, for temperature requirements

Table 2 - Effluent Limitations and Monitoring Requirements for Outfall 002						
Parameter	Effluent Limitations				Monitoring Requirements	
	Maximum Daily ¹		Average Monthly ¹		Sample Frequency	Sample Type ⁶
	ug/l	lb/day	ug/l	lb/day		
Cadmium ²	1.4	0.006	0.5	0.002	Monthly ⁵	24-hour composite
Zinc ²	145.5	0.686	57.6	0.271		
Lead ²	34.4	0.162	12.8	0.060	Weekly	24-hour composite
Copper ^{2,8}	1.0	0.005	0.4	0.002		
Mercury ³	0.099	0.0005	0.036	0.0002	Monthly ⁵	Grab
Total Suspended Solids (TSS)	30 mg/L	--	20 mg/L	--	Monthly ⁵	24-hour composite
TSS, loading ⁷	Annual Average not to exceed 247 lbs/day				Annual	Calculation
pH	within the range of 6.5 – 10.0 standard units				Weekly	Grab
Outfall Flow	Report in cfs		Report in cfs		Daily	Recording
Hardness, as CaCO ₃	--		Report in mg/l		Monthly	24-hour composite

Table 2 - Effluent Limitations and Monitoring Requirements for Outfall 002						
Parameter	Effluent Limitations				Monitoring Requirements	
	Maximum Daily ¹		Average Monthly ¹		Sample Frequency	Sample Type ⁶
	ug/l	lb/day	ug/l	lb/day		
Temperature ⁹	Report in °C		Report in °C		Continuous	Meter
WET ⁴	Report in TU _c		--		Quarterly	24-hour composite
SFCdA River flow directly upstream of the outfall	Report in cfs		Report in cfs		Daily	Measure

Footnotes:
1- Values are ug/l and lb/day unless otherwise noted.
2- These parameters must be reported and analyzed as total recoverable.
3- Mercury must be analyzed and reported as total.
4- See Part I.C. for WET testing requirements.
5- The permittee may request a further reduction in monitoring to once every 2 months from DEQ for cadmium, zinc, mercury and TSS after two years from the effective date of the permit. Any other reduction is considered a modification and cannot be changed without a formal modification process.
6- The 24-hour composite samples must be flow proportional. See Permit Part VI.26.
7- See paragraph 4, below.
8- See paragraph 9, below, for compliance level requirements.
9- See paragraph 10, below, for temperature requirements

Table 3 - Effluent Limitations and Monitoring Requirements for Outfall 003						
Parameter	Effluent Limitations				Monitoring Requirements	
	Maximum Daily ¹		Average Monthly ¹		Sample Frequency	Sample Type ⁶
	ug/l	lb/day	ug/l	lb/day		
Cadmium ²	1.5	0.013	0.8	0.007	Monthly ⁵	24-hour composite
Zinc ²	164.6	1.47	52.9	0.47		
Lead ²	24.9	0.22	18.6	0.17	Weekly	24-hour composite
Copper ^{2, 8}	0.9	0.008	0.5	0.005		
Mercury ³	0.04	0.0004	0.01	0.0001	Monthly ⁵	Grab
Total Suspended Solids (TSS)	30 mg/L	--	20 mg/L	--	Monthly ⁵	24-hour composite
TSS, loading ⁷	Annual Average not to exceed 188.5 lbs/day				Annual	Calculation
pH	within the range of 6.5 – 9.9 standard units				Weekly	Grab

Table 3 - Effluent Limitations and Monitoring Requirements for Outfall 003						
Parameter	Effluent Limitations				Monitoring Requirements	
	Maximum Daily ¹		Average Monthly ¹		Sample Frequency	Sample Type ⁶
	ug/l	lb/day	ug/l	lb/day		
Outfall Flow	Report in cfs		Report in cfs		Daily	Recording
Hardness, as CaCO ₃	--		Report in mg/l		Monthly	24-hour composite
Temperature ⁹	Report in °C		Report in °C		Continuous	Meter
WET ⁴	Report in TUc		--		Quarterly	24-hour composite
SFCdA River flow directly upstream of the outfall	Report in cfs		Report in cfs		Daily	Measure

Footnotes:

- 1- Values are ug/l and lb/day unless otherwise noted.
- 2- These parameters must be reported and analyzed as total recoverable.
- 3- Mercury must be analyzed and reported as total.
- 4- See Part I.C. for WET testing requirements.
- 5- The permittee may request a further reduction in monitoring to once every 2 months from DEQ for cadmium, zinc, mercury and TSS after two years from the effective date of the permit. Any other reduction is considered a modification and cannot be changed without a formal modification process.
- 6- The 24-hour composite samples must be flow proportional. See Permit Part VI.26.
- 7- See paragraph 4, below.
- 8- See paragraph 9, below, for compliance level requirements.
- 9- See paragraph 10, below, for temperature requirements

2. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: cadmium, lead, zinc, copper, mercury and TSS. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See Permit Parts III.B. and III.H.).
3. The permittee must not discharge any floating, suspended, or submerged matter of any kind in concentrations causing a nuisance or objectionable condition or that may impair the designated beneficial uses of the receiving water.
4. The annual average limit for Total Suspended Solids (TSS) from the SFCdA River TMDL is 45.1 tons/year (247 lbs/day) for the combined discharge from Outfalls 001 and 002 and 34.4 tons/year (188.5 lbs/day) for Outfall 003.
 - a) The annual average TSS load must not exceed the values above.
 - b) The annual average TSS load must be calculated as the sum of all daily loads calculated for TSS during a calendar year, divided by the number of days sampled for TSS during that year. The daily loads must be calculated using the concentration and the effluent flow

measured on the day the TSS sample was collected.

- (c) The annual average TSS load must be reported on the December DMR (due in January).
5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
 - a) Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified.
 - b) Parameters that do not have effluent limitations.
 - (i) The permittee must use a method that detects and quantifies the level of the pollutant, or
 - (ii) The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A;
 - c) For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.
 - d) See also Permit Part III.C.
7. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."
8. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.
9. The effluent limitations for copper are not quantifiable using EPA-approved analytical methods. The minimum level (ML) is 1.0 ug/L and the EPA will use this ML as the compliance evaluation level for this parameter. The permittee will be compliance with the copper effluent limitations if the average monthly and maximum daily concentrations are less than 1.0 ug/L and the loading limitations are less than 0.025 lbs/day.
10. Starting 6 months from the effective date of the permit, temperature data must be recorded using a micro-recording temperature devices known as thermistors. Set the recording device to record at one-hour intervals.

Report the following temperature monitoring data on the DMR: monthly instantaneous maximum and maximum daily average.

Use the temperature device manufacturer's software to generate (export) an Excel text or electronic ASCII text file. The file must be submitted annually to the EPA and IDEQ by January 31 for the previous monitoring year along with the placement log. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.

11. The permittee must prepare a mixing zone analysis of their proposed relocation for Outfall 003. The analysis shall utilize Cormix modeling and provide a summary of the findings as they relate to the WQS. DEQ must review and approve of the Cormix analysis before Outfall 003 can be relocated.

C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from Outfalls 002 and 003. A chronic toxicity test will be conducted on an effluent sample from Outfall 001 during any quarter when discharge occurs through Outfall 001 (in addition to the quarterly test on Outfall 002). Testing must be conducted in accordance with subsections 1 through 8, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Permit Part I.B. above. When the timing of sample collection coincides with that of the sampling required in Permit Part I.B, analysis of the split sample will fulfill the requirements of Permit Part I.B. as well.
2. Chronic Test Species and Methods
 - a) For Outfalls 001, 002 and 003, short-term chronic toxicity tests must be conducted quarterly during the months of February, May, August and November. For all outfalls, the effluent collected for toxicity testing must be collected at the same time as the receiving water surface water monitoring (see Permit Part I.D.).
 - b) The permittee must conduct the following chronic toxicity tests on each sample for the first three suites of test, using the following specie and protocol:

Freshwater Chronic Toxicity Tests	Species	Method
Daphnid Survival and Reproduction Test	<i>Ceriodaphnia dubia</i>	EPA-821-R-02-013

- c) The presence of chronic toxicity must be determined as specified in the respective methods manuals corresponding to the required test method.

- d) Results must be reported in TU_c (chronic toxic units), which is defined as follows:
- (i) For survival endpoints, TU_c = 100/NOEC.
 - (ii) For all other test endpoints, TU_c = 100/IC₂₅
 - (iii) IC₂₅ means “25% inhibition concentration.” The IC₂₅ is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
 - (iv) NOEC means “no observed effect concentration.” The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
3. Toxicity Triggers. For the purposes of determining compliance with paragraphs C.6. and C.7. The chronic toxicity trigger is defined as toxicity exceeding the trigger values in Table 4.

Table 4: Chronic Toxicity Triggers and Receiving Water Concentrations			
Outfall	Flow Tier (based on flow directly upstream of the outfall in cfs)	Chronic Toxicity Trigger, TU_c	Receiving Water Concentration (RWC), % effluent
001/002 Effluent Flow of 0.87 cfs	at the 7Q10 of 12.1	4.5	22%
003 Effluent Flow of 1.66 cfs	at the 7Q10 of 6.2	1.90	52%

4. Quality Assurance

- a) The toxicity testing on each organism must include a series of at least five test dilutions and a control as follows:
 - the RWC, which is the dilution associated with the chronic toxicity trigger; two dilutions above the RWC, and; two dilutions below the RWC. The RWCs for each outfall are provided in Table 4, above.
- b) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with Short-Term Methods for Estimating the Chronic Toxicity of Effluents and

Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.

- c) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
 - (i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.
 - (ii) If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.
 - (iii) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA and DEQ. In no case shall water that has not met test acceptability criteria be used for either dilution or control.

5. Accelerated Testing.

- a) If chronic toxicity is detected above the triggers specified in Table 4., the permittee must conduct four (see also paragraph C.5.d., below) more biweekly tests over an eight-week period. This accelerated testing must be initiated within two weeks of receipt of the test results that indicate an exceedance.
- b) The permittee must notify EPA of the exceedance in writing within two weeks of receipt of the test results. The notification must include the following information:
 - (i) A status report on any actions required by the permit, with a schedule for actions not yet completed.
 - (ii) A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.
 - (iii) Where no actions have been taken, a discussion of the reasons for not taking action.
- c) If none of the four accelerated tests exceed the toxicity trigger, the permittee may return to the normal testing frequency. If any of the four tests exceed the trigger, then the TRE requirements in paragraph C.7., shall apply.
- d) Initial Investigation. If the permittee demonstrates through an evaluation of facility operations that the cause of the exceedance is

known and corrective actions have been implemented, only one accelerated test is necessary. If toxicity exceeding the trigger is detected in this test, then the TRE requirements in Permit Part I.C.6. shall apply.

6. Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE):
 - a) If chronic toxicity triggers are exceeded during accelerated testing under Permit Part I.C.5., the permittee must initiate a toxicity reduction evaluation (TRE) in accordance with Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070) within two weeks of the exceedance. At a minimum, the TRE must include:
 - (i) Further actions to investigate and identify the cause of toxicity;
 - (ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
 - (iii) A schedule for these actions.
 - b) If a TRE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TRE.
 - c) The permittee may initiate a Toxicity Identification Evaluation (TIE) as part of the TRE process. Any TIE must be performed in accordance with EPA guidance manuals, Toxicity Identification Evaluation; Characterization of Chronically Toxic Effluents, Phase I (EPA/600/6-91/005F), Methods for Aquatic Toxicity Identification Evaluations, Phase II: Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/080), and Methods for Aquatic Toxicity Identification Evaluations, Phase III: Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA-600/R-92/081).
7. Reporting
 - a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMR) for the month following sample collection. The full report must be made available to EPA or DEQ on request.
 - b) The permittee must submit the results of any accelerated testing, under paragraph C.5., within 2 weeks of receipt of the results from the lab. The full report must be submitted within 4 weeks of receipt of the results from the lab. In an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, the result of the investigation must be submitted with the DMR for the month following completion of the investigation.

- c) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; the toxicity triggers as defined in Table 4; flow rate at the time of sample collection; and the results of the monitoring required in Permit Part I.B.
- d) The permittee may submit the toxicity testing as an electronic attachment to NetDMR. The file name of the electronic attachment must be as follows:

YYYY_MM_DD_ID0000175_Bioassay_02610

where YYYY_MM_DD is the date that the permittee submits the report. All WET test results must also be resubmitted with the next permit application.

D. Surface Water Monitoring

1. Monitoring stations must be established at the following locations:
 - a. in the SFCdA River directly upstream of Outfalls 001, 002 and 003, and
 - b. below Outfalls 001, 002 and 003, at a point where the effluent and the SFCdA River are completely mixed.Sampling locations must be approved by DEQ.
2. The monitoring stations upstream and downstream of Outfalls 002 and 003 must be monitored according to the sampling frequency in Table 5. If discharge from Outfall 001 occurs during a time interval, the monitoring stations upstream and downstream of Outfall 001 must also be monitored during that time interval.
3. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.
4. All ambient samples, except continuous temperature and pH monitoring, must be grab samples.
5. Cadmium, copper, lead, nickel, and zinc must be analyzed as dissolved. Mercury must be analyzed as total recoverable.
6. Samples must be analyzed for the parameters listed in Table 5, and must achieve method detection limits (MDLs) that are equivalent to or less than those listed. The permittee may request different MDLs. The request must be in writing and must be approved by EPA and DEQ.

Table 5: Surface Water Monitoring Requirements					
Parameter	Units	Upstream Sampling Frequency	Downstream Sampling Frequency	Method Detection Limit (MDL)	Reporting Limit
Flow	cfs	See Tables 2 & 3	Monthly	NA	---
Cadmium, dissolved	ug/L	Quarterly	Quarterly	0.1	---
Copper, dissolved	ug/L	Quarterly	Monthly	1	---
Lead, dissolved	ug/L	Quarterly	Quarterly	5.0	---
Mercury, total	ug/L	Quarterly	Quarterly	0.001	---
Zinc, dissolved	ug/L	Quarterly	Quarterly	10	---
pH	standard units	Quarterly	Continuous ¹	NA	---
Temperature	°C	Continuous ²	Continuous ^{1, 2}	± 2	---
Hardness (as CaCO ₃)	mg/l	Quarterly	Monthly ¹	0.2	---
Dissolved Organic Carbon	mg/L	--- ³	Monthly ¹	---	0.2
Calcium, dissolved	mg/L	--- ³	Monthly ¹	---	0.1
Magnesium, dissolved	mg/L	--- ³	Monthly ¹	---	0.1
Sodium, dissolved	mg/L	--- ³	Monthly ¹	---	0.1
Potassium, dissolved	mg/L	--- ³	Monthly ¹	---	0.1
Sulfate (as SO ₄), dissolved	mg/L	--- ³	Monthly ¹	---	10
Chloride, dissolved	mg/L	--- ³	Monthly ¹	---	0.1
Alkalinity (as CaCO ₃)	mg/L Ca	--- ³	Monthly ¹	---	10

1 - Water chemistry data collected for use in the biotic ligand model shall follow the *Implementation Guidance for the Idaho Copper Criteria for Aquatic Life*. August 2017.
After 24 consecutive monthly samples for the copper BLM have been collected, instream monitoring may be decreased to quarterly after DEQ review and approval of data quality.
Upon DEQ approval of the 24 consecutive monthly instream samples for the copper BLM criteria, the permittee may request reopening of the permit to recalculate the copper BLM effluent limits using the updated copper BLM criteria.

2 - See 7., below.

3 - Sampling not required.

7. Temperature shall be sampled during the June through November timeframe. Temperature monitoring shall begin after the effective date of the permit on June 1 and end November 30 of each year. The Permittee shall contact the DEQ Coeur d'Alene Regional Office prior

to initiating temperature monitoring to obtain frequency of data collection and location of the monitoring.

8. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Permit Part II.B. *Quality Assurance Plan*.

A Monitoring Plan and Quality Assurance Plan shall be developed for the BLM water chemistry data collection and submitted to DEQ for review and approval. The permittee shall consult with DEQ during the development of the Monitoring Plan for determination of the need for upstream monitoring in addition to the required downstream monitoring. Continuous pH monitoring shall be included in the Monitoring Plan. The Monitoring Plan shall include the collection of at least 24 consecutive monthly samples.

9. Submission of SW Monitoring

The results of quarterly sampling must be submitted with the DMRs for March, June, September and December.

Other surface water monitoring results must be reported on the DMR for the month monitoring occurs.

The continuous temperature data must be submitted in electronic format with the permit reapplication required in Permit Part V.B. and be made available upon request to DEQ.

II. Special Conditions

A. Copper Schedule of Compliance

The permittee must achieve compliance with the copper effluent limitations of Permit Part I.B. (Table 2), not later than 5 years from the effective date of the permit.

Until compliance with the effluent limits is achieved, at a minimum, the permittee must meet the interim effluent limitations and complete the tasks and reports listed in Table 6, below.

Table 6. Compliance Schedule Outfall 001			
INTERIM EFFLUENT LIMITATIONS			
Parameter	Units	Average Monthly Limit	Maximum Daily Limit
Copper	µg/L	4.2	11.7
	lb/day	0.02	0.06

Table 7. Compliance Schedule Outfall 002			
INTERIM EFFLUENT LIMITATIONS			
Parameter	Units	Average Monthly Limit	Maximum Daily Limit
Copper	µg/L	4.2	11.7
	lb/day	0.02	0.06

Table 8. Compliance Schedule Outfall 003			
INTERIM EFFLUENT LIMITATIONS			
Parameter	Units	Average Monthly Limit	Maximum Daily Limit
Copper	µg/L	4.9	8.1
	lb/day	0.04	0.07

INTERIM REQUIREMENTS
1. By one year from the effective date of the final permit, the permittee must provide to EPA and DEQ a summary of the first year of copper BLM monitoring data as specified in Permit Part I.D.
2. By two years from the effective date of the final permit, the permittee must provide to EPA and DEQ a summary of the second year of copper BLM monitoring data as specified in Permit Part I.D.
3. By three years from the effective date of the final permit, the permittee must provide to EPA and DEQ a report outlining preliminary plans for compliance with final effluent limits, which may include engineering or non-engineering options. If treatment upgrades are chosen as the proposed method for achieving compliance with final effluent limits, the permittee is to provide and schedule for completing treatment upgrades and pilot testing.
4. By four years from the effective date of the final permit, the permittee must provide written notice to EPA and DEQ that pilot testing of the technology that will be employed to achieve the final limits has been completed and must submit a summary report of results and plan for implementation. If pilot testing is determined to be unnecessary by the permittee, the summary report shall include the reasons for this decision. The written notice shall also include the selected upgrades and a construction schedule that ensures that final effluent limit can be achieved by year five (5).
5. By five years from the effective date of the final permit, the permittee must submit to EPA and DEQ a written report providing details of a completed start up and optimization phase of the upgrades and must achieve compliance with the final effluent limitations of Permit Part I.B.

B. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAP should be utilized until the new QAP is implemented and may be modified for compliance with this section.

Within 60 days of the effective date of this permit, the permittee must submit written notice to EPA and DEQ that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:

YYYY_MM_DD_ID0000175_QAP_55099

where YYYY_MM_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or DEQ upon request

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

C. Best Management Practices Plan

1. Purpose

Through implementation of the best management practices (BMP) plan the permittee must prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal and ancillary activities.

2. Development and Implementation Schedule

The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. Any existing BMP Plan should be utilized until the new BMP Plan is implemented and may be modified for compliance with this section.

The permittee must submit written notice to EPA and DEQ that the Plan has been developed and implemented within 60 days of the effective date of the

permit. The permittee may submit written notification as an electronic attachment to the DMR.

The file name of the electronic attachment must be as follows:

YYYY_MM_DD_ID0000175_BMP_05899

where YYYY_MM_DD is the date that the permittee submits the written notification. Any existing BMP plans may be modified for compliance with this section. The plan must be retained on site and made available to EPA and/or DEQ upon request. The permittee must implement the provisions of the plan as conditions of this permit within 60 days of the effective date of this permit.

3. Objectives

The permittee must develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.

- a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.
- b) Under the BMP Plan and any Standard Operating Procedures included in the BMP Plan, the permittee must ensure proper operation and maintenance of water management and wastewater treatment systems. BMP Plan elements must be developed in accordance with good engineering practices.
- c) Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including material storage areas, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.

4. Elements of the BMP Plan

The BMP Plan must be consistent with the objectives above and the general guidance contained in Guidance Manual for Developing Best Management Practices (EPA 833-B-93-004, October 1993) and Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-006) or any subsequent revision to these guidance documents. The BMP Plan must include, at a minimum, the following items:

a) Plan Components.

- (i) Statement of BMP policy. The BMP Plan must include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.
- (ii) Structure, functions, and procedures of the BMP Committee. The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan.
- (iii) Description of potential pollutant sources.
- (iv) Risk identification and assessment.
- (v) Standard operating procedures to achieve the above objectives and specific best management practices (see below).
- (vi) Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence.
- (vii) Materials compatibility.
- (viii) Good housekeeping.
- (ix) Inspections.
- (x) Preventative maintenance and repair.
- (xi) Security.
- (xii) Employee training.
- (xiii) Recordkeeping and reporting.
- (xiv) Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.
- (xv) Final constructed site plans, drawings and maps (including detailed storm water outfall/culvert configurations).

b) Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under Permit Part II.B. and which ensure that the following specific requirements are met:

- (i) Solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters must be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- (ii) Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management

practices required under RCRA regulations must be referenced in the BMP Plan.

- (iii) Ensure proper management of materials in accordance with Spill Prevention, Control, and Countermeasure (SPCC) plans under CWA § 311 and 40 CFR Part 112. The BMP Plan may incorporate any part of such plans into the BMP Plan by reference.
- (iv) Document that no mercury is generated or used at the facility.

5. Review and Certification.

The BMP Plan must be reviewed and certified as follows:

- a) Annual review by the plant manager and BMP Committee.
- b) Certified statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must be certified by the dated signatures of each BMP Committee member. The statement must be submitted to EPA on or before January 31st of each year of operation under this permit after the initial BMP submittal (the initial statement must be submitted to EPA six months after submittal of the BMP Plan).

6. Documentation

The permittee must maintain a copy of the BMP Plan at the facility and make it available to EPA or an authorized representative upon request

7. BMP Plan Modification

- a) The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters.
- b) The permittee must amend the BMP Plan whenever it is found to be ineffective in achieving the general objective of preventing and minimizing the generation and the potential for the release of pollutants from the facility to the waters of the United States and/or the specific requirements above.
- c) Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to EPA with the annual certification required under part B.5., above.

III. General Monitoring, Recording and Reporting Requirements

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

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

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

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

B. Reporting of Monitoring Results

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

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Permit Part V.E.
3. The permittee must submit copies of the DMRs and other reports to DEQ.
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA and DEQ as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows:

YYYY_MM_DD_ID0000175_Report Type Name_Identifying Code

where YYYY_MM_DD is the date that the permittee submits the attachment.

5. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from:
<https://netdmr.epa.gov>
6. Unless identified elsewhere in the permit, hardcopy reports may be submitted to:

U.S. Environmental Protection Agency, R10
1200 Sixth Avenue, Suite 155, ECAD-20-C04
Seattle, Washington 98101

Idaho Department of Environmental Quality
Coeur d’Alene Regional Office
2110 Ironwood Parkway
Coeur d’Alene, Idaho 83814

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

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

F. Retention of Records

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

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a) any noncompliance that may endanger health or the environment;
 - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Permit Part IV.F. *Bypass of Treatment Facilities*);
 - c) any upset that exceeds any effluent limitation in the permit (See Permit Part IV.G. *Upset Conditions*); or

- d) any violation of a maximum daily discharge limitation for applicable pollutants identified in Tables 2 and 3.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Enforcement & Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Permit Part III.B. *Reporting of Monitoring Results*.

H. Other Noncompliance Reporting

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

I. Changes in Discharge of Toxic Pollutants

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

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

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

US EPA Region 10
Attn: NPDES Permitting Section Manager
1200 Sixth Avenue
Suite 155, WD-19-C04
Seattle, Washington 98101-3188

IV. Compliance Responsibilities

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$53,484 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment

Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$267,415).

3. Criminal Penalties:

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

or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.

- b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Permit Part III.G. *Twenty-four Hour Notice of Noncompliance Reporting*.
3. Prohibition of bypass.
- a) Bypass is prohibited, and the Director of the Enforcement & Compliance Assurance Division may take enforcement action against the permittee for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph 2 of this Part.
 - b) The Director of the Enforcement & Compliance Assurance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

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

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

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

I. Planned Changes

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

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

J. Anticipated Noncompliance

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

V. General Provisions

A. Permit Actions

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

B. Duty to Reapply

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

C. Duty to Provide Information

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

D. Other Information

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

E. Signatory Requirements

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

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

4. Certification. Any person signing a document under this Part must make the following certification:

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

F. Availability of Reports

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

G. Inspection and Entry

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

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

H. Property Rights

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

I. Transfers

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

J. State Laws

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

VI. Definitions

1. "Act" or "CWA" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "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.
4. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Chronic toxic unit" ("TUc") is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/NOEC).
7. "Composite" -- see "24-hour composite".
8. "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.

9. “Director of the Enforcement & Compliance Assurance Division” means the Director of the Enforcement & Compliance Assurance Division, EPA Region 10, or an authorized representative.
10. “Director of the Water Division” means the Director of the Water Division, EPA Region 10, or an authorized representative.
11. “DMR” means discharge monitoring report.
12. “EPA” means the United States Environmental Protection Agency.
13. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
14. “DEQ” means the Idaho Department of Environmental Quality.
15. “Inhibition concentration”, IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
16. “LC₅₀” means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.
17. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
18. “Method Detection Limit (MDL)” means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
19. “Minimum Level (ML)” means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
20. “NOEC” means no observed effect concentration. The NOEC is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

21. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
22. "QA/QC" means quality assurance/quality control.
23. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
24. "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.
25. "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 preventive maintenance, or careless or improper operation.
26. "24-hour composite" sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24-hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Appendix A **Minimum Levels**

The Table below lists the maximum Minimum Level (ML) for pollutants that may have monitoring requirements in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If the Permittee is unable to obtain the required ML in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a ML to EPA with appropriate laboratory documentation.

CONVENTIONAL PARAMETERS

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Biochemical Oxygen Demand	2 mg/L
Soluble Biochemical Oxygen Demand	2 mg/L
Chemical Oxygen Demand	10 mg/L
Dissolved Organic Carbon	1 mg/L
Total Organic Carbon	1 mg/L
Total Suspended Solids	5 mg/L
Total Ammonia (as N)	50
Dissolved oxygen	+/- 0.2 mg/L
Temperature	+/- 0.2° C
pH	N/A

NONCONVENTIONAL PARAMETERS

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Total Alkalinity	5 mg/L as CaCO ₃
Chlorine, Total Residual	50.0
Color	10 color units
Fluoride (16984-48-8)	100
Nitrate + Nitrite Nitrogen (as N)	100
Nitrogen, Total Kjeldahl (as N)	300
Soluble Reactive Phosphorus (as P)	10
Phosphorus, Total (as P)	10
Oil and Grease (HEM) (Hexane Extractable Material)	5,000
Salinity	3 practical salinity units or scale (PSU or PSS)
Settleable Solids	500 (or 0.1 mL/L)

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Sulfate (as mg/L SO ₄)	0.2 mg/L
Sulfide (as mg/L S)	0.2 mg/L
Sulfite (as mg/L SO ₃)	2 mg/L
Total dissolved solids	20 mg/L
Total Hardness	200 as CaCO ₃
Aluminum, Total (7429-90-5)	10
Barium Total (7440-39-3)	2.0
BTEX (benzene +toluene + ethylbenzene + m,o,p xylenes)	2
Boron Total (7440-42-8)	10.0
Cobalt, Total (7440-48-4)	0.25
Iron, Total (7439-89-6)	50
Magnesium, Total (7439-95-4)	50
Molybdenum, Total (7439-98-7)	0.5
Manganese, Total (7439-96-5)	0.5
Tin, Total (7440-31-5)	1.5
Titanium, Total (7440-32-6)	2.5

PRIORITY POLLUTANTS

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
METALS, CYANIDE & TOTAL PHENOLS	
Antimony, Total (7440-36-0)	1.0
Arsenic, Total (7440-38-2)	0.5
Beryllium, Total (7440-41-7)	0.5
Cadmium, Total (7440-43-9)	0.1
Chromium (hex) dissolved (18540-29-9)	1.2
Chromium, Total (7440-47-3)	1.0
Copper, Total (7440-50-8)	2.0
Lead, Total (7439-92-1)	0.16
Mercury, Total (7439-97-6)	0.0005
Nickel, Total (7440-02-0)	0.5
Selenium, Total (7782-49-2)	1.0
Silver, Total (7440-22-4)	0.2
Thallium, Total (7440-28-0)	0.36
Zinc, Total (7440-66-6)	2.5

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Cyanide, Total (57-12-5)	10
Cyanide, Weak Acid Dissociable	10
Cyanide, Free Amenable to Chlorination (Available Cyanide)	10
Phenols, Total	50
2-Chlorophenol (95-57-8)	2.0
2,4-Dichlorophenol (120-83-2)	1.0
2,4-Dimethylphenol (105-67-9)	1.0
4,6-dinitro-o-cresol (534-52-1) (2-methyl-4,6,-dinitrophenol)	2.0
2,4 dinitrophenol (51-28-5)	2.0
2-Nitrophenol (88-75-5)	1.0
4-nitrophenol (100-02-7)	1.0
Parachlorometa cresol (59-50-7) (4-chloro-3-methylphenol)	2.0
Pentachlorophenol (87-86-5)	1.0
Phenol (108-95-2)	4.0
2,4,6-Trichlorophenol (88-06-2)	4.0
VOLATILE COMPOUNDS	
Acrolein (107-02-8)	10
Acrylonitrile (107-13-1)	2.0
Benzene (71-43-2)	2.0
Bromoform (75-25-2)	2.0
Carbon tetrachloride (56-23-5)	2.0
Chlorobenzene (108-90-7)	2.0
Chloroethane (75-00-3)	2.0
2-Chloroethylvinyl Ether (110-75-8)	2.0
Chloroform (67-66-3)	2.0
Dibromochloromethane (124-48-1)	2.0
1,2-Dichlorobenzene (95-50-1)	7.6
1,3-Dichlorobenzene (541-73-1)	7.6
1,4-Dichlorobenzene (106-46-7)	17.6
Dichlorobromomethane (75-27-4)	2.0
1,1-Dichloroethane (75-34-3)	2.0
1,2-Dichloroethane (107-06-2)	2.0

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
1,1-Dichloroethylene (75-35-4)	2.0
1,2-Dichloropropane (78-87-5)	2.0
1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene) (542-75-6) 6	2.0
Ethylbenzene (100-41-4)	2.0
Methyl bromide (74-83-9) (Bromomethane)	10.0
Methyl chloride (74-87-3) (Chloromethane)	2.0
Methylene chloride (75-09-2)	10.0
1,1,2,2-Tetrachloroethane (79-34-5)	2.0
Tetrachloroethylene (127-18-4)	2.0
Toluene (108-88-3)	2.0
1,2-Trans-Dichloroethylene (156-60-5) (Ethylene dichloride)	2.0
1,1,1-Trichloroethane (71-55-6)	2.0
1,1,2-Trichloroethane (79-00-5)	2.0
Trichloroethylene (79-01-6)	2.0
Vinyl chloride (75-01-4)	2.0
BASE/NEUTRAL COMPOUNDS	
Acenaphthene (83-32-9)	0.4
Acenaphthylene (208-96-8)	0.6
Anthracene (120-12-7)	0.6
Benzidine (92-87-5)	24
Benzyl butyl phthalate (85-68-7)	0.6
Benzo(a)anthracene (56-55-3)	0.6
Benzo(b)fluoranthene (3,4-benzofluoranthene) (205-99-2) 7	1.6
Benzo(j)fluoranthene (205-82-3) 7	1.0
Benzo(k)fluoranthene (11,12-benzofluoranthene) (207-08-9) 7	1.6
Benzo(r,s,t)pentaphene (189-55-9)	1.0
Benzo(a)pyrene (50-32-8)	1.0
Benzo(ghi)Perylene (191-24-2)	1.0
Bis(2-chloroethoxy)methane (111-91-1)	21.2
Bis(2-chloroethyl)ether (111-44-4)	1.0
Bis(2-chloroisopropyl)ether (39638-32-9)	0.6

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Bis(2-ethylhexyl)phthalate (117-81-7)	0.5
4-Bromophenyl phenyl ether (101-55-3)	0.4
2-Chloronaphthalene (91-58-7)	0.6
4-Chlorophenyl phenyl ether (7005-72-3)	0.5
Chrysene (218-01-9)	0.6
Dibenzo (a,h)acridine (226-36-8)	10.0
Dibenzo (a,j)acridine (224-42-0)	10.0
Dibenzo(a-h)anthracene (53-70-3)(1,2,5,6-dibenzanthracene)	1.6
Dibenzo(a,e)pyrene (192-65-4)	10.0
Dibenzo(a,h)pyrene (189-64-0)	10.0
3,3-Dichlorobenzidine (91-94-1)	1.0
Diethyl phthalate (84-66-2)	7.6
Dimethyl phthalate (131-11-3)	6.4
Di-n-butyl phthalate (84-74-2)	1.0
2,4-dinitrotoluene (121-14-2)	0.4
2,6-dinitrotoluene (606-20-2)	0.4
Di-n-octyl phthalate (117-84-0)	0.6
1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)	20
Fluoranthene (206-44-0)	0.6
Fluorene (86-73-7)	0.6
Hexachlorobenzene (118-74-1)	0.6
Hexachlorobutadiene (87-68-3)	1.0
Hexachlorocyclopentadiene (77-47-4)	1.0
Hexachloroethane (67-72-1)	1.0
Indeno(1,2,3-cd)Pyrene(193-39-5)	1.0
Isophorone (78-59-1)	1.0
3-Methyl cholanthrene (56-49-5)	8.0
Naphthalene (91-20-3)	0.6
Nitrobenzene (98-95-3)	1.0
N-Nitrosodimethylamine (62-75-9)	4.0
N-Nitrosodi-n-propylamine (621-64-7)	1.0
N-Nitrosodiphenylamine (86-30-6)	1.0
Perylene (198-55-0)	7.6

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Phenanthrene (85-01-8)	0.6
Pyrene (129-00-0)	0.6
1,2,4-Trichlorobenzene (120-82-1)	0.6
DIOXIN	
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (176-40-16) (2,3,7,8 TCDD)	5 pg/L
PESTICIDES/PCBs	
Aldrin (309-00-2)	0.05
alpha-BHC (319-84-6)	0.05
beta-BHC (319-85-7)	0.05
gamma-BHC (58-89-9)	0.05
delta-BHC (319-86-8)	0.05
Chlordane (57-74-9)	0.05
4,4'-DDT (50-29-3)	0.05
4,4'-DDE (72-55-9)	0.05
4,4' DDD (72-54-8)	0.05
Dieldrin (60-57-1)	0.05
alpha-Endosulfan (959-98-8)	0.05
beta-Endosulfan (33213-65-9)	0.05
Endosulfan Sulfate (1031-07-8)	0.05
Endrin (72-20-8)	0.05
Endrin Aldehyde (7421-93-4)	0.05
Heptachlor (76-44-8)	0.05
Heptachlor Epoxide (1024-57-3)	0.05
PCB-1242 (53469-21-9)	0.5
PCB-1254 (11097-69-1)	0.5
PCB-1221 (11104-28-2)	0.5
PCB-1232 (11141-16-5)	0.5
PCB-1248 (12672-29-6)	0.5
PCB-1260 (11096-82-5)	0.5
PCB-1016 (12674-11-2)	0.5
Toxaphene (8001-35-2)	0.5