Permit No.: **WY-0034207**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; "the Act"),

Chemtrade Refinery Services, Inc.

is authorized to discharge from its wastewater treatment facility located in the SW1/4 of Section 9, Township 1S., Range 4E., latitude 42° 59' 55" N and longitude 108° 24' 57" W, Fremont County, Wyoming,

to an unnamed drainage ditch tributary to an unnamed drainage way that flows into the Little Wind River near St. Stephens, Wyoming,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective **May 1, 2010**

This permit and the authorization to discharge shall expire at midnight, **March 31, 2010**

Signed this **29th** day of **March**

Original signed by

_____
Authorized Permitting Official
Stephen S. Tuber, Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Definitions.

The *30-day (and monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

The *7-day (and weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

CWA means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the 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, Pub. L. 97-117, and Pub. L. 100-4. In this permit the CWA may be referred to as "the Act".

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

a. Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;

b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;

c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

d. Continuous collection of sample with sample collection rate proportional to flow rate.

Daily Maximum (*Daily Max.*) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period.

Daily Minimum (*Daily Min.*) is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

Director means the Regional Administrator of EPA Region 8 or an authorized representative.

EPA means the United States Environmental Protection Agency.

Grab sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

Instantaneous measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

Lethal Concentration, 50 Percent (LC_{50}) is the toxic or effluent concentration that would cause death in 50 percent of the test organisms over a specified period of time.

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.

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.

Sewage Sludge is any solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Toxic Unit – Acute (TUa) is 100 times the reciprocal of the effluent concentration, expressed as percent effluent, that causes 50 percent of the organisms to die in an acute toxicity test ($TUa = 100/LC_{50}$).

Whole Effluent Toxicity, *Acute* occurs when 50 percent or more mortality is observed for either species specified in the permit (see Part 1.3.) at any effluent concentration or when the effluent exceeds the TUa value specified in the permit. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

1.2. Description of Discharge Point(s)

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under the Clean Water Act.

Outfall Serial Number(s)	Description of Discharge Point(s)
001	At the point of discharge from the last unit of the wastewater treatment system to the unnamed drainage ditch.

1.3. Specific Limitations and Self-Monitoring Requirements

1.3.1. Effluent Limitations - Outfall 001. Effective immediately and lasting through the life of this permit, the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below:

Effluent Characteristic	Effluent Limitation		
	Monthly Average a/	7-Day Average a/	Daily Maximum a/
Total Suspended Solids, mg/L	30	N/A	60
Total Dissolved Solids, mg/L	3,940	N/A	5,000
There shall be no acute toxicity in the effluent (LC_{50} > 100% effluent or TUa ≤ 1.0) discharged from Outfall 001.			
The discharge shall be free from oil in such quantities that cause a film or sheen upon or discoloration of the surface of the receiving water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the receiving water or upon adjoining shorelines.			
The oil and grease measurement from any grab sample shall not exceed 10 mg/L.			
The pH of the discharge shall not be less than 6.0 nor greater than 9.0 at any time.			
Effective immediately, the concentration of dissolved oxygen in the discharge shall not be less than eighty (80) percent of saturation. The saturation value for dissolved oxygen at the point of discharge shall be based on the temperature of the discharge, in degrees Celsius, and the corresponding value from the table in Addendum A, Part 6 of this permit. For purposes of determining the saturation value, the temperature value at the time of monitoring shall be rounded up to the next whole number.			

a/ See Part 1.1 for definition of terms.

The use of calcium hypochlorite or other chlorine based chemicals in the cooling tower system is prohibited. There shall be no use of chemicals in the cooling tower system other than those chemicals identified in the December 20, 2002 modification of the permit application and a letter of September 19, 2003 unless prior approval is granted by the permit issuing authority. If approval is granted, the use of the chemical shall be in accordance with the conditions of approval. The information submitted to the permit issuing authority for approval should contain: name of chemical compound, name and address of the manufacturer, Chemical Abstract Registry Number, copy of product label (if available), copy of the Material Safety Data Sheet (MSDS), amounts and frequency of application, a summary of aquatic toxicity data, and a summary of the fate of the chemical compound in the environment.

1.3.2. Self-Monitoring Requirements - Outfall 001. At a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) that no discharge or overflow occurred.

Effluent Characteristic	Frequency	Sample Type a/
Total Flow, mgd b/	Weekly	Instantaneous
Total Suspended Solids, mg/L	Monthly	Grab
Total Dissolved Solids, mg/L	Weekly	Grab
Sulfates, mg/L	Monthly	Grab
Oil and Grease, Visual c/	Twice Weekly d/	Visual c/
pH, units	Five Times Weekly f/	Grab
Temperature, ^{0}C	Twice Weekly d/ e/	Grab or Instantaneous
Dissolved Oxygen , mg/L	Twice Weekly d/ e/	Grab or Instantaneous
Whole Effluent Toxicity, Acute	See Part 1.3.2.2.	See Part 1.3.2.2.

a/ See Part 1.1 for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate (in million gallons per day) during the reporting period and the maximum flow rate observed (in mgd) shall be reported.

c/ A twice weekly visual observation is required. If a visible sheen is detected, a grab sample shall be taken promptly and analyzed promptly for the concentration of oil and grease, using EPA method 1664, Rev A, using the procedure for silica gel treated n-hexane extractable material (SGT-HEM, non-polar material) by extraction and gravimetry.

d/ The twice weekly monitoring shall be conducted at approximately three (3) or four (4) day intervals. Adjustments may be made for holidays, plant downtime, etc.

e/ The monitoring for temperature and dissolved oxygen shall be done essentially at the same time (i.e., within 15 minutes of each other). The temperature and percent saturation shall be reported on the DMR. In addition to the discharge monitoring report, a separate listing of the temperatures, in degrees Celsius, dissolved oxygen concentrations, in mg/L, and the dates of monitoring shall be reported on letter size paper.

f/ Monitoring for pH shall be conducted daily Monday through Friday, with the exception of holidays. Monitoring for pH shall also be conducted and recorded any time the pH alarm at the outfall is triggered.

1.3.2.2. Acute Whole Effluent Toxicity Monitoring

At least semi-annually the permittee shall conduct acute static-renewal toxicity tests on a grab sample of the discharge. Semi-annual samples shall be conducted on a two (2) day progression; i.e., if the first sample is on a Monday, during the next sampling period sampling shall begin on a Wednesday, etc. Samples must be chilled to 0 to 6°C.

The static-renewal toxicity tests shall be conducted in accordance with the procedures set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", EPA-821/R-02-012 (October 2002). The permittee shall conduct an acute 48-hour static-renewal toxicity test using *Daphnia magna* and an acute 96-hour static-renewal toxicity test using *Pimephales promelas* each half year (January through June and July through December). A multi-dilution test consisting of five concentrations and a control is required.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test is not valid. The test shall be repeated until satisfactory control survival is achieved.

Semi-annual test results shall be reported on the DMR submitted for the reporting period when the monitoring was conducted (e.g., whole effluent results for the calendar quarter ending March 31 shall be reported with the DMR due April 28). A laboratory reporting form consistent with the Region 8 Toxicity Test Report Format for Acute Whole Effluent Toxicity, including all chemical and physical data as specified shall also be submitted to the permitting agency along with the DMR. See Part 7 of this permit for examples. Photocopies of Part 7 may be used for reporting the data. Also, copies of the format may be downloaded from the Region 8 web page at http://www.epa.gov/region8/wet/documents.html.

If the results for ten consecutive acute tests indicate no acute toxicity, the permittee may request the permit issuing authority allow a reduction to annual monitoring or acute toxicity testing on only one species on an alternating basis. The permit issuing authority may approve or deny the requests based on the results and other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for both *Daphnia magna* and *Pimephales promelas* .

If acute toxicity occurs in a test, the permittee shall do the following:

(1) Promptly take all reasonable measures necessary to immediately reduce toxicity; and
(2) Conduct an additional test within two (2) weeks of the date of when the permittee learned of the test failure. If only one species fails, retesting may be limited to this species.

The permit issuing authority may waive either or both of these requirements with justification (e.g., the toxicity has been ongoing and the permittee is in the process of conducting a toxicity reduction evaluation (TRE) as required in Part 1.3.3 of this permit).

Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the permit issuing authority. In addition to the accelerated monitoring, the permittee shall do a toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) as required by Part 1.3.3 of this permit to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for the toxicity.

Test results from additional toxicity testing conducted (i.e. two week retesting and monthly TIE/TRE testing) shall be reported by the 28th of the month following the test to the following address:

Regional WET Coordinator
Wastewater Unit (8P-W-WW)
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

1.3.3 Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE)

Should acute toxicity occur in the second test following failure in the first test, the permittee shall initiate corrective actions as follows.

1.3.3.1 Where the source of toxicity is known the permittee shall:

1.3.3.1.1 Submit a TRE plan and schedule to attain compliance with the effluent toxicity-based permit limitations in Part 1.3.1. The plan and schedule shall be submitted to the permit issuing authority **within 30 days** of the date of when the permittee learned of the second test failure.

1.3.3.1.2 EPA will review the TRE plan and schedule, and may provide written comments to the permittee **within 14 days** of receipt of the TRE plan. A final TRE plan and schedule that addresses EPA comments, if provided, shall be submitted to the permit issuing authority prior to the initiation of any activities specified in the TRE plan and schedule.

1.3.3.1.3 Initiate the TRE plan within 7 days after receiving comments from EPA or within 60 days of the date of when the permittee learned of the second test failure, **whichever occurs sooner**.

1.3.3.1.4 Alternately, if the source of toxicity is known and can immediately be controlled through operational changes, the permittee can return to compliance by follow-up testing, and if follow-up testing indicates a return to compliance the permittee may request relief from accelerated testing and/or completion of a TRE.

1.3.3.2 Where the source of toxicity is unknown and the toxicity cannot be immediately controlled through operational changes, the permittee shall:

1.3.3.2.1 Initiate a TIE and develop and implement a TRE plan and schedule to attain compliance with effluent toxicity-based permit limitations in Part 1.3.1 in accordance with the following schedule:

1.3.3.2.1.1. Submit a toxicity reduction (TRE) study plan detailing the toxicity reduction procedures to be employed and the schedule for completing the plan. The plan and schedule shall be

submitted to the permit issuing authority **within 45 days** of the date of when the permittee learned of the second test failure. The EPA publications listed below shall be considered in developing the plan and schedule. Copies of the publications may be downloaded from the Region 8 web page at http://www.epa.gov/region8/wet/documents.html.

"Methods for Aquatic Toxicity Identification Evaluations, Phase I Toxicity Characterization Procedures", Second Edition, EPA/600/6-91/003, February 1991.

"Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity", EPA/600/R-92/080, September 1993.

"Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity", EPA/600/R-92 /081, September 1993.

"Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants", EPA/833B-99/002, August 1999.

"Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (TREs)", EPA/600/2-88/070, April 1989

1.3.3.2.1.2. EPA will review the TRE plan and schedule, and may provide written comments to the permittee **within 14 days** of receipt of the TRE plan. A final TRE plan and schedule that addresses EPA comments, if provided, shall be submitted to the permit issuing authority prior to the initiation of any activities specified in the TRE plan and schedule.

1.3.3.2.1.3. Initiate the TRE plan **within 60 days** of the date of when the permittee learned of the second test failure.

1.3.3.3. The permittee shall comply with the final schedule for implementing the TRE plan; failure to comply with the schedule is a violation of the permit. Any modification to the TIE/TRE plan schedule must be submitted to the permitting authority for review.

1.3.3.4. The permittee shall submit results of the TRE, including summary of findings, corrective actions required, and data generated in accordance with the final schedule for implementing the TRE plan;

1.3.3.5. Complete the necessary construction necessary to implement the TRE controls as described in the final TRE report in accordance with the final schedule for implementing the TRE plan; and

1.3.3.6. Achieve compliance with whole effluent toxicity-based permit limitations in Part 1.3.1 in accordance with the final schedule for implementing the TRE plan, as soon as possible, but no later than the final compliance date specified in the final TRE plan and schedule.

1.3.3.7. Upon completion of the TIE/TRE, the permittee shall return to regular whole effluent toxicity monitoring and reporting as specified in Part 1.3.2.2 of the permit.

2. MONITORING, RECORDING AND REPORTING REQUIREMENTS

2.1. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part 1 shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.

2.2. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Sludge monitoring procedures shall be those specified in 40 CFR 503, or as specified in the permit.

2.3. Penalties for Tampering. The Act provides that any person who knowingly falsifies, tampers with, or 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 two years, or by both. Second conviction is punishable by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

2.4. Reporting of Monitoring Results. Effluent monitoring results obtained during the previous 3 months shall be summarized and reported on **one** Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Until further notice, sludge monitoring results may be reported in the testing laboratory's normal format (there is no EPA standard form at this time), but should be on letter size pages. Whole effluent toxicity (biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance For Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part 4), and submitted to the Planning and Targeting Program, and the Northern Arapaho Tribe and the Eastern Shoshone Tribe ("Tribes") at the following addresses:

original to: U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: Director
1595 Wynkoop Street
Denver, Colorado 80202-1129

copy to: Director, Wind River Environmental Quality Commission
P.O. Box 217
Fort Washakie, WY 82514

2.5. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136, 40 CFR 503, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

2.6. Records Contents. Records of monitoring information shall include:

2.6.1. The date, exact place, and time of sampling or measurements;

2.6.2. The initials or name(s) of the individual(s) who performed the sampling or measurements;

2.6.3. The date(s) analyses were performed;

2.6.4. The time(s) analyses were initiated;
2.6.5. The initials or name(s) of individual(s) who performed the analyses;

2.6.6. References and written procedures, when available, for the analytical techniques or methods used; and,

2.6.7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

2.7. Retention of Records. 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 three years from the date of the sample, measurement, report or application. Records of monitoring required by this permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR 503). This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of the DMR, and a copy of this NPDES permit must be maintained on site.

2.8. Twenty-four Hour Notice of Noncompliance Reporting.

2.8.1. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 8, Site Assessment/Emergency Response Program at (303) 293-1788, the Tribes at (307) 332-3164.

2.8.2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region 8, NPDES Enforcement Unit at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the Tribes at (307) 332-3164 (8:00 a.m. - 4:30 p.m. Mountain Time) by the first workday following the day the permittee became aware of the circumstances:

2.8.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part 3.7., Bypass of Treatment Facilities.);

2.8.2.2. Any upset which exceeds any effluent limitation in the permit (See Part 3.8., Upset Conditions.); or,

2.8.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

2.8.3. A written submission shall also be provided to the USEPA, Office of Enforcement, Compliance and Environmental Justice, and the Tribes within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

2.8.3.1. A description of the noncompliance and its cause;

2.8.3.2. The period of noncompliance, including exact dates and times;

2.8.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,

2.8.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2.8.4. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 2.8.2. above, if the incident has been orally reported in accordance with the requirements of Part 2.8.2.

2.8.5. Reports shall be submitted to the addresses in Part 2.4., Reporting of Monitoring Results.

2.9. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part 2.4. are submitted. The reports shall contain the information listed in Part 2.8.3.

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

2.10.1. 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;

2.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

2.10.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

2.10.4. 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.

3. COMPLIANCE RESPONSIBILITIES

3.1. Duty to Comply. The permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The permittee shall give the director advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

3.2. Penalties for Violations of Permit Conditions The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis. EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517), June 27, 1997 (62 Fed. Reg. 35037-35041) and February 13, 2004 (69 Fed. Reg. 7121-7127). On December 11, 2008 (73 Fed. Reg. 75340-75346) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of January 12, 2009, for violations of the Act (including permit conditions) are given below:

3.2.1. 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 $37,500 per day for each violation.

3.2.2. 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 for 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 for not more than 2 years, or both.

3.2.3. Any person who ***knowingly*** 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 $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 for not more than 6 years, or both.

3.2.4. 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 for 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 for not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

3.2.5. 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. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed $16,000 per violation, with a maximum amount not to exceed $37,500. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $16,000 per day for each day during which the violation continues, with the maximum amount not to exceed $177,500.

3.3. Need to Halt or Reduce Activity 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.

3.4. 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.

3.5. 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. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

3.5.1. The permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:

3.5.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;

3.5.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;

3.5.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,

3.5.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).

3.5.2. The permittee shall maintain a daily log in a **bound notebook(s)** containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the notebook shall include the following information:

3.5.2.1. Date and time;

3.5.2.2 Name and title of person(s) making the log entry;

3.5.2.3. Name of the persons(s) performing the activity;

3.5.2.4. A brief description of the activity; and,

3.5.2.5. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency.

3.6. Removed Substances. Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and tribal regulations (i.e., 40 CFR 257, 40 CFR 258, 40 CFR 503) and in a manner so as to prevent any pollutant from entering any waters of the United States or creating a health hazard. **In addition, the use and/or disposal of sewage sludge shall be done under the authorization of an NPDES permit issued for the use and/or disposal of sewage sludge by the appropriate NPDES permitting authority for sewage sludge.** Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

3.7. Bypass of Treatment Facilities.

3.7.1. 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 Parts 3.7.2. and 3.7.3.

3.7.2. Notice:

3.7.2.1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the USEPA, Technical Enforcement Program, and the Tribes.

3.7.2.2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 2.8., Twenty-four Hour Noncompliance Reporting, to the USEPA, Technical Enforcement Program, and the Tribes.

3.7.3. Prohibition of bypass.

3.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

3.7.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

3.7.3.1.3. The permittee submitted notices as required under Part 3.7.2.

3.7.3.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 3.7.3.1.

3.8. Upset Conditions

3.8.1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part 3.8.2. 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 (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

3.8.2. 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:

3.8.2.1. An upset occurred and that the permittee can identify the cause(s) of the upset;

3.8.2.2. The permitted facility was at the time being properly operated;

3.8.2.3. The permittee submitted notice of the upset as required under Part 2.8., Twenty-four Hour Notice of Noncompliance Reporting; and,

3.8.2.4. The permittee complied with any remedial measures required under Part 3.4., Duty to Mitigate.

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

3.9. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants 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.

3.10. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

3.10.1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

3.10.1.1. One hundred micrograms per liter (100 ug/L);

3.10.1.2. 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;

3.10.1.3. 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,

3.10.1.4. The level established by the Director in accordance with 40 CFR 122.44(f).

3.10.2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

3.10.2.1. Five hundred micrograms per liter (500 ug/L);

3.10.2.2. One milligram per liter (1 mg/L) for antimony:

3.10.2.3. 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,

3.10.2.4. The level established by the Director in accordance with 40 CFR 122.44(f).

4. GENERAL REQUIREMENTS

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

4.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,

4.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.

4.1.3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

4.2. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

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

4.4. 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 application should be submitted at least 180 days before the expiration date of this permit.

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

4.6. Other Information. When 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 any report to the Director, it shall promptly submit such facts or information.

4.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

4.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

4.7.2. All reports required by the permit and other information requested by the Director shall 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:

4.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,

4.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

4.7.3. Changes to authorization. If an authorization under Part 4.7.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 4.7.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4.7.4. Certification. Any person signing a document under this section shall make the following certification:

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

4.8. Penalties for Falsification of Reports. The Act 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 of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

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

4.10. 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 any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

4.11. 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 private property or any invasion of personal rights, nor any infringement of federal, state, tribal or local laws or regulations.

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

4.13. Transfers. This permit may be automatically transferred to a new permittee if:

4.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

4.13.2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

4.13.3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 4.13.2.

4.14. Permittees in Indian Country. EPA is issuing this permit because the facility is located on the Wind River Indian Reservation and is thus in "Indian country" as defined at 18 U.S.C. 1151. EPA has not approved the Tribes or the State of Wyoming to implement the CWA NPDES program in Indian country. EPA directly implements the CWA NPDES program on Indian country lands within the State of Wyoming.

4.15. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

4.15.1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

4.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the Tribes and/or EPA for incorporation in this permit.

4.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

4.16. Toxicity Limitation-Reopener Provision . This permit may be reopened and modified (following proper administrative procedures) to include or modify whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.

5. STORM WATER REQUIREMENTS

5.1 Storm Water Management Controls

You must identify, describe and implement appropriate facility specific controls that will reduce or prevent pollutants in storm water. These must include all of the storm water management controls required in Parts 5.1.1-5.1.11. If there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity, existing controls need to be modified or additional controls may be necessary. If existing controls need to be modified or if additional controls are necessary, new controls must be implemented as soon as reasonable and practicable, but not more than **60 days** after unless additional time is approved by the permit issuing authority. Failure to take corrective actions within this timeframe is a violation of this permit.

You must implement the following requirements described below throughout your facilities unless clearly inapplicable to the facility. If any of the requirements are not applicable to the facility, you shall include a written explanation of inapplicability in your SWPPP. You may use alternative controls instead of those provided only if you provide specific justification in your SWPPP explaining either why the controls can not be implemented or why alternative controls will reduce or prevent pollutants in storm water discharges at least to the same degree. You have the burden to show that alternative controls are at least as effective as the required controls. If existing controls are inadequate to achieve the general objective of controlling pollutants in storm water discharges associated with industrial activity, any schedule to implement additional controls to meet this objective shall not exceed 60 days from the effective date of this permit unless permission for a later deadline is obtained from the permit issuing authority. New controls that will replace or modify existing controls that are already adequately addressing a pollutant source are not required to meet this schedule (e.g., replacing a control with a less resource-intensive practice).

5.1.1 Good Housekeeping includes procedures to maintain a clean and orderly facility. You must:

5.1.1.1 Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Weekly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;

5.1.1.2 Implement controls to reduce or prevent material tracking (e.g., sediment, debris) offsite;

5.1.1.3 Ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;

5.1.1.4 Cover all stored industrial materials (including salt used for deicing or other commercial or industrial purposes) that can be readily mobilized by contact with storm water;

5.1.1.5 Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;

5.1.1.6 Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system. Disposal of rinse/wash waters or industrial materials into the storm drain is a violation of this permit;

5.1.1.7 Minimize the use of chemicals (e.g., MgCl) for dust suppression and eliminate the use of chemical dust suppressants within 20 feet of a water crossing; and

5.1.1.8 Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this permit's requirements.

5.1.2 Identification of Potential Pollutant Sources and Best Management Practices. You must:

5.1.2.1 Identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to storm water. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced, or discharged, the likelihood of contact with storm water, and history of significant leaks or spills of toxic or hazardous substances. For each potential source of pollutants, you must implement Best Management Practices (BMPs) to reduce the potential of these sources to contribute pollutants to storm water discharges.

5.1.2.2 Evaluate each of the following sources and install BMPs as necessary:

1) Loading and unloading operations;
2) Outdoor storage activities;
3) Outdoor manufacturing or processing activities;
4) Significant dust or particulate generating processes;
5) On-site waste disposal practices;
6) Salt piles;
7) Procedures and/or products used for deicing and dust suppression; and
8) Areas where significant spills and significant leaks of toxic or hazardous substances have occurred at the facility.

5.1.2.3 Maintain a list of spills and leaks that occurred during the year and document them in the semi-annual Comprehensive Facility Inspection.

5.1.3 Preventative Maintenance includes material handling and waste management and generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling. Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. You must:

5.1.3.1 Identify all equipment and systems used outdoors that may spill or leak pollutants;

5.1.3.2 Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks. Weekly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;

5.1.3.3 Inspect and maintain storm water management devices (oil/water separators, catch basins, etc.);

5.1.3.4 Where applicable, drain vehicles intended to be dismantled of all fluids upon arrival at the site, or employ some other equivalent means to prevent spills and leaks;

5.1.3.5 Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc; and

5.1.3.6 Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.

5.1.4. Spill Prevention and Response Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. You must:

5.1.4.1 Develop and implement spill response procedures. Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265;

5.1.4.2 Provide preventative measures to prevent spills from discharging from the facility via the storm drain. These must include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

5.1.4.3 Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and

5.1.4.4 Identify and train appropriate spill response personnel.

5.1.5. Material Handling/Waste Management includes practices to minimize exposure of waste materials to storm water. You must:

5.1.5.1 Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;

5.1.5.2 Divert run-on from material handling/waste management/storage areas;

5.1.5.3 Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;

5.1.5.4 Minimize or eliminate (if possible) exposure of lead-acid batteries to runoff or precipitation;

5.1.5.5 For facilities involved in automotive or scrap recycling, remove mercury switches from hood and trunk lighting units, chest freezer convenience lights, and gas stove mercury flame sensors;

5.1.5.6 Cover waste disposal containers when not in use;

5.1.5.7 Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Part 5.1.4; and

5.1.5.8 Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

5.1.6. Employee Training Program ensures that all necessary personnel responsible for implementing the various compliance activities of this permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Training shall address topics such as spill response, good housekeeping and material management practices. You must:

5.1.6.1 Prepare or acquire appropriate training manuals or training materials;

5.1.6.2 Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;

5.1.6.3 Provide a training schedule; and

5.1.6.4 Maintain documentation of all completed training classes and the personnel who received training.

5.1.7. Record Keeping and Quality Assurance relates to the discharger's internal management effort to ensure compliance activities are completed properly and documented. You must:

5.1.7.1 Keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual observations, etc.; and

5.1.7.2 Develop and implement management procedures to ensure that the appropriate staff implements all requirements of this permit.

5.1.8. Erosion/Sediment Control typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of runon and run-off away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. It includes sedimentation ponds, silt screens, etc. You must:

5.1.8.1 Implement erosion/sediment controls to divert runoff from areas subject to erosion; and

5.1.8.2 Maintain erosion/sediment controls to achieve optimal performance during storm events.

5.1.9 Identification of Discharges other than Storm Water. You must evaluate the storm water conveyance system on the site for the presence of discharges other than storm water. Where dry weather discharges are observed, the operator must perform illicit discharge detection and elimination procedures and provide information in the annual report on the results of any evaluations, the method(s) used, the date of the evaluation(s), and the on-site drainage points that were directly observed during the evaluation(s).

5.1.10 Periodic Visual Inspections of a Facility are necessary to ensure that the SWPPP addresses any significant changes to the facility's operations or BMP implementation procedures. You must:

5.1.10.1 During each reporting year, conduct a minimum of four quarterly visual inspections of all areas of industrial activity and associated potential pollutant sources. The comprehensive facility compliance evaluations described in Part 5.1.11 may substitute for two of the quarterly inspections;

5.1.10.2 Implement any corrective actions and/or SWPPP revisions resulting from the inspection;

5.1.10.3 Prepare a summary and status of the corrective actions and SWPPP revisions resulting from the quarterly inspections. This summary shall include a summary of weekly inspections required for the preventative maintenance and good housekeeping control measures and shall be reported in the Annual Report; and

5.1.10.4 Certify in the Annual Report that each quarterly visual inspection was completed.

5.1.11 Comprehensive Facility Inspections. In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part 5.1.3, qualified personnel identified by the operator shall make a comprehensive inspection of their storm water management system, at least twice per year (in the spring and fall). These comprehensive inspections must be documented and summarized in the Annual Report. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs selected. Where semi-annual site inspections are impractical for sites where an employee is not stationed or does not routinely visit the site, inspections as required in this part must be conducted at appropriate intervals, but never less than once in two years. Where semi-annual site inspections are shown in the plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), site inspections required by this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years. You must:

5.1.11.1 Inspect material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in Part 5.1.2 for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures must be observed to ensure that they are operating correctly. A visual inspection of equipment needed to prevent pollutant discharges, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order;

5.1.11.2 Conduct repairs or maintenance as identified during the inspection; and

5.1.11.3 Produce a report summarizing the inspection, personnel making the inspection, the date(s) of the inspection, significant observations, and actions taken in accordance with Part 5.1.11.b. The report must be retained for at least three years after the date of the inspection. Significant observations include the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of spills or direct discharges of process water; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed.

5.2 Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) must include BMPs that are selected installed, and implemented, and maintained in accordance with good engineering practices. (The plan need not be completed by a registered engineer.)

5.2.1 Storm Water Pollution Prevention Plan Contents. The SWPPP must include the following items, at a minimum:

5.2.1.1 Industrial Activity Description. The plan shall provide a narrative description of the industrial activity taking place at the site.

5.2.1.2 Site Map. The plan shall include a site map indicating the following:

1) The areas where industrial activities occur;

2) The locations of storm water outfalls and an approximate outline of the areas draining to each outfall;

3) The locations of paved areas and buildings within the drainage area of each storm water outfall;

4) The locations of each past or present area used for outdoor storage or disposal of significant materials;

5) The locations areas where pesticides, herbicides, soil conditioners, and fertilizers are applied;

6) The locations of wells where fluids from the facility are injected underground;

7) The locations of existing and new structural control measures to reduce pollutants in storm water runoff;

8) The locations of all surface water bodies, including dry water courses, located in or next to the facility, including all surface water bodies within 1 mile of the site;

9) The locations of all surface water bodies within 1 mile of the site;

10) The locations of all storm water conveyances located on site and an indicator of the direction of flow for the conveyances;

11) The locations and sources of run-on to your site;

12) The location and description of non-storm water discharges;

13) Locations of potential pollutant sources as identified in Part 5.1.2;

14) Locations where significant spills or leaks as identified in Part 5.1.2 occurred;

15) Locations of storm water inlets and outfalls; and

16) Locations of the following locations where such activities are exposed to precipitation:
    a) Vehicle fueling,
    b) Airplane deicing,
    c) Vehicle equipment maintenance and/or cleaning areas,
    d) Loading/unloading areas,
    e) Liquid storage tanks,
    f) Processing and storage areas,
    g) Access roads, rail cars, and tracks,
    h) Transfer areas for substances in bulk, and
    i) Locations used for the treatment, storage, or disposal of wastes.

5.2.2 SWPPP Administrator. The SWPPP must identify a specific individual(s) within the plant organization who is responsible for developing the plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the administrator shall address all aspects of the facility's SWPPP.

5.2.3 Storm Water Management Controls. Each facility covered by this permit must develop storm water management controls appropriate for the facility as required in Parts 5.1.1-5.1.11 and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls must include a schedule for implementing such controls for each of the areas referenced in Parts 5.1.1-5.1.11.

5.2.4 Annual Reports. Summaries from the periodic visual inspections and the comprehensive facility inspections as required in Parts 5.1.10 and 5.1.11 must be included in the SWPPP.

5.2.5 EPA Review/Change. Upon review of the SWPPP, the EPA may notify the operator at any time that the plan does not meet one or more of the minimum requirements of this permit. After such notification, the operator must make changes to the plan and submit an update to the plan including the requested changes. Unless otherwise provided by the EPA, the operator will have 30 days after such notification to both make the necessary changes to the plan and to implement them.

If the EPA determines that the operator's discharges may cause, have the reasonable potential to cause, or contribute to an exceedence above any applicable water quality standard, the EPA may require the operator, within a specified time period, to develop and implement a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns.

5.2.6 Operator Review/Change. The operator must amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the US, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. If existing BMPs need to be modified or if additional BMPs are necessary, the plan changes and implementation must be completed as soon as reasonable and practicable, but not more than **60 days** after the change in design, construction, operation, or maintenance, or; the SWPPP has been determined to be ineffective, unless additional time is approved by the permit issuing authority. Amendments to the plan shall be summarized in the next Annual Report. The EPA reserves the right to require additional measures to prevent and control pollution, as needed.

5.2.7 SWPPP Availability. A copy of the SWPPP must be provided to the EPA upon request, and within the time frame specified in the request. If the SWPPP is required to be submitted, it must include a signed certification in accordance with Part 4.7.4 of the permit, certifying that the SWPPP is complete and meets all permit requirements. All SWPPPs required under this permit are considered reports that must be available to the public under Section 308(b) of the CWA. The operator of a facility with storm water discharges covered by this permit shall make plans available to members of the public upon request. However, the operator may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2.

6. ADDENDUM A

Dissolved Oxygen Values for 5000 Feet Elevation

Temperature Deg. C	Dissolved Oxygen Saturation, mg/L	Dissolved Oxygen 80% Saturation, mg/L
0	12.19	9.75
1	11.85	9.48
2	11.53	9.22
3	11.22	8.98
4	10.93	8.74
5	10.65	8.52
6	10.38	8.30
7	10.12	8.10
8	9.87	7.90
9	9.63	7.70
10	9.41	7.53
11	9.19	6.86
15	8.39	6.71
16	8.21	6.57
17	8.04	6.43
18	7.87	6.30
19	7.71	6.17
20	7.55	6.04
21	7.40	5.92
22	7.26	5.81
23	7.12	5.70
24	6.98	5.58
25	6.85	5.48
26	6.72	5.38
27	6.60	5.28
28	6.48	5.18
29	6.36	5.09
30	6.25	5.00
31	6.14	4.91
32	6.03	4.82
33	5.93	4.74
34	5.83	4.66
35	5.73	4.58
36	5.64	4.51
37	5.54	4.43
38	5.45	4.36
39	5.36	4.29
40	5.28	4.22

7. ADDENDUM B: FORMAT FOR REPORTING WHOLE EFFLUENT TOXICITY ACUTE

ACUTE TOXICITY TEST REPORT

1. NAME OF FACILITY (on NPDES permit)			2. NPDES PERMIT # | | | | | | | | | | | |
3. RECEIVING WATER (as designated in permit)		4. OUTFALL	5. RECEIVING WATER CONCENTRATION (if known)
6. TEST LAB (Name and Address)			7. AGE RANGE OF ORGANISMS AT TEST START
8. TEST START DATE	9. TEST END DATE	10. TEST SPECIES	11. REPORT DATE
12. NAME OF PERSON CONDUCTING TEST		13. NAME/PHONE # OF PERSON WHO CAN ANSWER QUESTIONS ABOUT THIS REPORT	

14. SAMPLE COLLECTION DATES	15. DATE RECEIVED	16. ARRIVAL TEMPERATURE (°C)
Sample 1:	Sample 1:	Sample 1:
Sample 2 (if any):	Sample 2 (if any):	Sample 2 (if any):
17. DATE OF FIRST USE	18. TOTAL RESIDUAL CHLORINE (mg/l)	19. AMMONIA (mg/l as N)
Sample 1:	Sample 1:	Sample 1:
Sample 2 (if any):	Sample 2 (if any):	Sample 2 (if any):

20. WAS SAMPLE DECHLORINATED?	21. DESCRIBE DECHLORINATION (if any)
Sample 1: ❑ YES ❑ NO	
Sample 2: ❑ YES ❑ NO	

22. EFFLUENT SAMPLES WERE COLLECTED (check one) ❑ BEFORE CHLORINATION ❑ AFTER CHLORINATION

❑ AFTER CHLORINATION, BEFORE DECHLORINATION ❑ AFTER DECHLORINATION ❑ FACILITY DOES NOT CHLORINATE

23. DESCRIBE ANY DEVIATIONS FROM TEST METHODS (For example, pH-controlled test, reduced DO levels in test leading to aeration, sample exceeded holding time.

24. WAS THE EFFLUENT FILTERED?	25. STATE MESH SIZE OF FILTER (if filtered)
❑ YES ❑ NO	

26. EFFLUENT SAMPLE TYPE (check one type for each sample)	27. IDENTIFY THE DILUENT (O_1) CONTROL
Sample 1: ❑ 24-HR COMPOSITE ❑ GRAB/COMPOSITE (give # of grabs)____ ❑ GRAB	_____
Sample 2: ❑ 24-HR COMPOSITE ❑ GRAB/COMPOSITE (give # of grabs)____ ❑ GRAB (if any)	IDENTIFY THE SECONDARY (O_2) CONTROL (if used)
	_____

28. SUMMARY OF RESULTS - PERCENT MORTALITY PER CONCENTRATION

CONTROLS						EFFLUENT CONCENTRATIONS		
DAY	O_1	O_2	%	%	%	%	%	%

29. 48-HOUR LC_{50} (for *Daphnia magna* or *Ceriodaphnia dubia* acute tests)	30. 96-HOUR LC_{50} (for fathead minnow acute tests)	31. TU_a (acute toxic units)

EPA REGION 8 (Modified 12/2008)