United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

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",

City of Burley
Industrial Wastewater Treatment Plant

is authorized to discharge from the Industrial Wastewater Treatment Plant located in Burley, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
003	Snake River (Milner Pool)	42° 32' 02"	113° 46' 09"
Pond Seepage	Snake River (Milner Pool)		

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

This permit shall become effective

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

The permittee must reapply for a permit reissuance on or before , 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.

The permittee must keep a copy of this NPDES permit at the site of the permitted activity.

Signed this day of

Draft Permit
Michael F. Gearheard, Director
Office of Water and Watersheds

Draft Permit: This Document Does Not Authorize a Discharge

Schedule of Submissions

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

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 10th day of the month following the monitoring month.
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.A.). The Plan must be kept on site and made available to EPA and IDEQ upon request.
3. Best Management Practices (BMP) Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented within 1 year after the effective date of the final permit (see II.B.). The Plan must be kept on site and made available to EPA and IDEQ upon request.
4. Local Limits Evaluation	Within 1 year of the effective date of this permit, the permittee must submit to EPA a complete local limits evaluation for the permitted treatment plant, pursuant to 40 CFR 122.44(j)(2)(ii) and 40 CFR 403.5(c) and (d). See Part II.C.5.
5. Pretreatment Report	The Report is due annually on January 31.
6. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B.).
7. Surface Water Monitoring Report	The Report must be submitted with the next permit application.

I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 003 and seepage from the polishing ponds to the Snake 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

1. The permittee must limit and monitor discharges as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
2. Definitions of monitoring location codes:
   a) "1" means "effluent gross value." For pollutants monitored at this location, the permittee must sample at a point in the effluent waste stream at which all treatment processes are complete and prior to discharge through Outfall 003.
   b) "E" means "secondary or biological process complete." For pollutants monitored at this location, the permittee must sample at a point in the effluent waste stream upstream of the polishing ponds and downstream of all treatment processes that are located upstream of the polishing ponds in the treatment train.
   c) "G" means "raw sewage/influent." For pollutants monitored at this location, the permittee must sample the combined influent waste stream at a point upstream of any of the Burley IWTP treatment processes.
   d) "K" means "percent removal." For each parameter, the monthly average percent removal must be calculated from the arithmetic mean of the influent concentration and the arithmetic mean of the effluent concentration for that month. Influent and effluent samples must be taken over approximately the same time period. For TSS, the effluent values for use in calculating percent removal must be those sampled at monitoring location "1." For BOD_5, the effluent values for use in calculating percent removal must be those sampled at location "E."

Table 1: Effluent Limits and Monitoring Requirements

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Monitoring Location Codes [7]	Monitoring Frequency	Sample Type
Flow	mgd	Report	—	Report	1 and E	5/week	Measure
BOD_5 (Monthly Average Effluent Flow < 0.40 mgd)	mg/L	Report	Report	—	E and G	2/week	8-Hour Composite
	lb/day	101	152	—			Calculation[8]
	% Removal	85% minimum monthly average. See I.B.7.			K	1/month	Calculation
BOD_5 (Monthly Average Effluent Flow ≥ 0.40 mgd)	mg/L	30	45	—	E and G	2/week	8-Hour Composite
	lb/day	600	901	—			Calculation[8]
	% Removal	85% minimum monthly average. See I.B.7.			K	1/month	Calculation
TSS (Monthly Average Effluent Flow < 0.51 mgd)	mg/L	Report	Report	—	1 and G	1/week	8-Hour Composite
	lb/day	127	191	—			Calculation[8]
	% Removal	85% minimum monthly average. See I.B.7.			K	1/month	Calculation
TSS (Monthly Average Effluent Flow ≥ 0.51 mgd)	mg/L	30	45	—	1 and G	1/week	8-Hour Composite
	lb/day	600	901	—			Calculation[8]
		85% minimum monthly average. See I.B.7.			K	1/month	Calculation
pH	s.u.	6.0 – 9.0 at all times			1	5/week	Grab
Total Phosphorus as P	mg/L	Report	Report		E and G[6]	1/week	8-Hour Composite
	lb/day	359	539	—			Calculation[8]
Total Ammonia as N^4 (Oct. – Apr.)	mg/L	Report	—	Report	E and G[6]	2/week	8-Hour Composite
	lb/day	292	—	658			Calculation[8]
Total Ammonia as N^4 (May – Sept.)	mg/L	Report	—	Report	E and G[6]	2/week	8-Hour Composite
	lb/day	1759	—	3966			Calculation[8]
Oil and Grease	Visual	No Visible Sheen			1	1/month	Visual
Oil and Grease	mg/L	Report	—	Report	1	2/year[5]	Grab
Floating, Suspended or Submerged Matter	Visual	Narrative Limitation (see I.B.6.)			1	1/month	Visual
Temperature	ºC	Report	—	32	1 and G	5/week	Grab
Alkalinity	mg/L as $CaCO_3$	Report	—	Report	1	2/year[5]	8-Hour Composite
Dissolved Oxygen	mg/L	Report	—	Report	1	1/month	Grab
E. Coli Bacteria	#/100 ml	Note 1	—	Note 2	1	5/month	Grab
Hardness	mg/L as $CaCO_3$	Report	—	Report	1	2/year[5]	8-Hour Composite
Nitrate + Nitrite as N	mg/L	Report	—	Report	E	2/year[5]	8-Hour Composite

Table 1: Effluent Limits and Monitoring Requirements							
Parameter	**Units**	**Effluent limits**			**Monitoring Requirements**		
		Average Monthly Limit	**Average Weekly Limit**	**Maximum Daily Limit**	**Monitoring Location Codes** [7]	**Monitoring Frequency**	**Sample Type**
Total Nitrate as N	mg/L	Report	—	Report	E	2/year[5]	8-Hour Composite
Total Kjeldahl Nitrogen	mg/L	Report	—	Report	E	2/year[5]	8-Hour Composite
Total Dissolved Solids	mg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Bis(2-Ethylhexyl) Phthalate	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Chloroform	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Methylene Chloride	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
1,1,2-Trichloroethane	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Arsenic	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Cadmium	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Chromium III	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Chromium VI	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Copper	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Cyanide	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Lead	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Nickel	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Selenium	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Silver	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Thallium	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Zinc	µg/L	Report	—	Report	1	2/year[5]	8-Hour Composite
Total Residual Chlorine	mg/L	Report	—	Report	1	2/year[5]	Grab
Whole Effluent Toxicity	TUc	See I.C.			1	See I.C.2.a.	24-Hour Composite
Expanded Effluent Testing	See I.B.9. and Note 3				1	3x/5 years[3]	—

Table 1: Effluent Limits and Monitoring Requirements							
Parameter	**Units**	**Effluent limits**			**Monitoring Requirements**		
		Average Monthly Limit	**Average Weekly Limit**	**Maximum Daily Limit**	**Monitoring Location Codes** [7]	**Monitoring Frequency**	**Sample Type**

Notes:
1. The permittee must report the monthly geometric mean E. Coli concentration.
2. The permittee must report the maximum single-sample value for the month.
3. The permittee must report these effluent data with its application for renewal of this NPDES permit. These data need not be reported on discharge monitoring reports (DMRs).
4. Twenty-four hour reporting is required in case of a maximum daily limit violation.
5. Results must be reported on the June and December DMRs.
6. The permittee must monitor influent ammonia and phosphorus as specified in Table 3.
7. See I.B.2.
8. Loading (in pounds per day) is calculated by multiplying the concentration in mg/L by the corresponding flow (in mgd) for the day of sampling and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the *NPDES Self-Monitoring System User Guide* (EPA 833-B-85-100, March 1985).

3. The permittee must not discharge hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses of the receiving water.
4. The permittee must not discharge toxic pollutants in amounts that impair beneficial uses of the receiving water.
5. The permittee must not discharge deleterious materials in amounts that impair beneficial uses of the receiving water.
6. The permittee must not discharge floating, suspended, or submerged matter of any kind in amounts causing nuisance or objectionable conditions or that may impair beneficial uses of the receiving water.
7. Removal Requirements for BOD_5 and TSS: The monthly average effluent concentration must not exceed 15 percent of the monthly average influent concentration. Percent removal of BOD_5 and TSS must be reported on the Discharge Monitoring Reports (DMRs). Influent and effluent BOD_5 and TSS must be monitored as specified in Table 1 and in paragraph I.B.2, above.
8. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation.
9. The permittee must perform the expanded effluent testing required by Part D of NPDES application Form 2A (EPA Form 3510-2A, revised 1-99). The permittee must submit the results of this testing with its application for renewal of this NPDES permit. To the extent that effluent monitoring required by other conditions of this permit satisfies this requirement, these samples may be used to satisfy the requirements of this paragraph.
10. The permittee must not discharge pollutants from any outfall other than outfall 003 and seepage from the polishing ponds.

C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from outfall 003. Testing must be conducted in accordance with subsections 1 through 4, 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 Part 1.B. above with a required monitoring frequency of quarterly or more frequently. When the timing of sample collection coincides with that of the sampling required in Part I.B., analysis of the split sample will fulfill the requirements of Part I.B. as well.
2. Chronic Test Species and Methods
   a) At a minimum, chronic tests must be conducted annually outfall 003. All tests must be conducted between October 1 and April 30th.
   b) The permittee must conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), and the fathead minnow, *Pimephales promelas* (larval survival and growth test), for the first two suites of tests. After this screening period, monitoring shall be conducted using the most sensitive species.
   c) The presence of chronic toxicity must be determined as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002.
   d) Results must be reported in TU_c (chronic toxic units), where $TU_c = 100/IC_{25}$. See Part VI. for a definition of IC_{25}.
3. Quality Assurance
   a) The toxicity testing on each organism must include a series of five test dilutions and a control. The dilution series must include the receiving water concentration of 4.1% effluent; two dilutions above the RWC, and two dilutions below the RWC.
   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 IDEQ. In no case shall water that has not met test acceptability criteria be used for either dilution or control.

4. Reporting

a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMRs). Toxicity test results must be reported on the April DMRs.

b) 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; flow rate at the time of sample collection; and the results of the monitoring required in Part I.B.

5. Accelerated Testing.

a) If chronic toxicity is detected above the trigger of 24.2 TU_c in any routine test, the permittee must conduct four 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 exceedence of the trigger.

b) The permittee must notify EPA of the exceedence 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 permittee, 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.

D. Surface Water Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start within 90 days after the effective date of the permit and continue as long as the permit remains in force. The program must meet the following requirements:

1. Monitoring stations must be established in the Snake River at the following locations:
   a) Above the influence of the facility's discharge, and
   b) Below the facility's discharge and above the influence of other point source discharges.
2. Monitoring stations must be approved in writing by IDEQ.
3. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.
4. To the extent practicable, upstream and downstream sample collection must occur during the same 24-hour period.
5. All ambient samples must be grab samples.
6. To the extent that surface water monitoring performed to satisfy the requirements of the City of Burley's NPDES permit for its municipal wastewater treatment plant (ID-002009-5) satisfies the requirements of this section, this monitoring can be used to satisfy the requirements of both permits.
7. Samples must be analyzed for the parameters listed in Table 2, and must achieve minimum levels (MLs) that are equivalent to or less than those listed in Table 2. The permittee may request different MLs. The request must be in writing and must be approved by EPA.
8. Quality assurance/quality control plans for surface water monitoring must be documented in the Quality Assurance Plan required under Part II.A., "Quality Assurance Plan".
9. Surface water monitoring results must be submitted to EPA and IDEQ with the NPDES renewal application (See V.B.). At a minimum, the report must include the following:
   a) Dates of sample collection and analyses.
   b) Results of sample analysis.
   c) Relevant quality assurance/quality control (QA/QC) information.

Table 2: Surface Water Monitoring Requirements

Parameter (units)	Sample Frequency	Maximum ML
Upstream Monitoring		
Temperature (ºC)	4/year[1]	---
pH (s.u.)	4/year[1]	---
Total Ammonia as N (mg/L)	4/year[1]	0.05
Alkalinity (mg/L)	2/year[2]	10
Downstream Monitoring		
Temperature (ºC)	2/year[2]	---
pH (s.u.)	2/year[2]	---
Total Ammonia as N (mg/L)	2/year[2]	0.05

Table 2: Surface Water Monitoring Requirements
Notes: 1. At a minimum, sampling must occur once during the season of November 1st through April 30th once during the month of May, once during the season of June 1 through September 30th, and once during the month of October. 2. At a minimum, sampling must occur once during the season of November 1st through April 30th and once during the season of May 1st through October 31st.

II. Special Conditions

A. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must provide EPA Region 10 and IDEQ with written notification that the QAP has been developed and implemented within 180 days of the effective date of this permit. Any existing QAPs may be modified for submittal under this section.

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

B. 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 provide EPA Region 10 and IDEQ with written notification that the BMP plan has been developed and implemented within 1 year of the effective date of this permit. Any existing BMP plans may be modified for submittal and approval under this section. The permittee must implement the provisions of the plan as conditions of this permit within 1 year of the effective date of this permit.

3. Documentation:

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

4. Elements of the BMP Plan:

a) 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.

b) Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the purpose of the BMP Plan under subpart A, 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 waters of the United States.

(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) The permittee must operate all treatment processes, including the polishing ponds, such that the total pollutant loading to the Snake River, for any given pollutant, whether through seepage from the polishing ponds or discharge through Outfall 003, is minimized.

5. 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.

C. Pretreatment Requirements

1. Implementation

   The permittee must implement its pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in its original approved pretreatment program submission entitled *Industrial Waste Pretreatment Program, City of Burley, Idaho* (August 30, 1984), any program amendments submitted thereafter and approved by EPA, and the general pretreatment regulations (40 CFR 403) and any amendments thereof. At a minimum, the permittee must carry out the following activities:

   a) Enforce prohibitive discharge standards as set forth in 40 CFR 403.5(a) and (b), categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act (where applicable), and local limitations and BMPs developed by the permittee in accordance with 40 CFR 403.5(c), whichever are more stringent and are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations must be defined as pretreatment standards under Section 307(d) of the Act.
   b) Implement and enforce the requirements of the most recent and EPA-approved portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.
   c) Update its inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee must notify these users of applicable pretreatment standards in accordance with 40 CFR 403.8(f)(2)(iii).
   d) Issue, reissue, and modify, in a timely manner, industrial wastewater discharge permits to at least all Significant Industrial Users (SIUs) and categorical industrial users. These documents must contain, at a minimum, conditions identified in 40 CFR 403.8(f)(1)(iii), including Best Management Practices, if applicable. The permittee must follow the methods described in its implementation procedures for issuance of individual permits.

e) Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee must retain all records relating to its pretreatment program activities for a minimum of three years, as required by 40 CFR 403.12(o), and must make such records available to EPA upon request. The permittee must also provide public access to information considered effluent data under 40 CFR 2.

f) Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by non-domestic users within these jurisdictions. These contracts or agreements must identify the agency responsible for the various implementation and enforcement activities in the contributing jurisdiction. In addition, the permittee may be required to develop a Multi-Jurisdictional Agreement (MJA) that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.

g) Carry out inspections, surveillance, and monitoring of non-domestic users to determine compliance with applicable pretreatment standards and requirements. A complete inspection of all SIUs and sampling of all SIUs' effluent must be conducted at least annually.

h) Require SIUs to conduct wastewater sampling as specified in 40 CFR 403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater but no less than twice per year. Sample collection and analysis must be performed in accordance with 40 CFR 403.12(b)(5)(ii) through (v) and 40 CFR 136. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the permittee must require the User to submit documentation to determine compliance with the Standard. If the permittee elects to conduct all non-domestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this paragraph, and the requirements of 40 CFR 403.12(g)(2).

i) Enforce and obtain remedies for any industrial user noncompliance with applicable pretreatment standards and requirements. This must include timely and appropriate reviews of industrial reports to identify all violations of the user's permit, the local ordinance, and federal pretreatment standards and requirements. Once violations have been uncovered, the permittee must take timely and appropriate action to address the noncompliance. The permittee's enforcement actions must follow its EPA-approved enforcement response procedures.

j) Publish, at least annually, in a newspaper or newspapers of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of all non-domestic users which, at any time in the previous 12

months, were in significant noncompliance as defined in 40 CFR 403.8 (f)(2)(viii).

k) Maintain adequate staff, funds and equipment to implement its pretreatment program.

l) Conduct an analysis annually to determine whether influent pollutant loadings are approaching the maximum allowable headworks loadings calculated in the permittee's most recent local limits calculations. Any local limits found to be inadequate by this analysis must be revised. The permittee may be required to revise existing local limits or develop new limits if deemed necessary by EPA.

2. Spill Prevention and Slug Discharges

The permittee must implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.

a) Control mechanisms for SIUs must contain requirements to control slug discharges if determined by the POTW to be necessary [40 CFR 403.8(f)(1)(iii)(B)(6)].

b) SIUs must be evaluated for the need for a plan or other action to control slug discharges within 1 year of being designated an SIU. For IUs designated as significant prior to November 14, 2005, this evaluation must be conducted by October 14, 2006 [40 CFR 403.8(f)(2)(vi)].

c) SIUs must notify the POTW immediately of any changes at their facilities affecting the potential for a slug discharge [40 CFR 403.8(f)(2(vi)].

3. Enforcement Requirement

Whenever, on the basis of information provided to EPA, it is determined that any source contributes pollutants to the permittee's facility in violation of subsection (b), (c), or (d) of Section 307 of the Act, EPA will notify the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.

4. Modification of the Pretreatment Program

If the permittee elects to modify any components of its pretreatment program, it must comply with the requirements of 40 CFR 403.18. No substantial program modification, as defined in 40 CFR 403.18(b), may be implemented prior to receiving written authorization from EPA.

5. Local Limits Evaluation

a) Within one year of the effective date of this permit, the permittee must submit to EPA a complete local limits evaluation pursuant to 40 CFR 403.5(c)(1). The study must take into account water quality in the receiving stream, inhibition levels for biological processes in the treatment plant, and sludge quality goals. The study must address at least the following pollutants: BOD_5, total phosphorus as P and total ammonia as N. If any industrial user discharges any pollutant at a concentration or at a flow rate that could cause

interference or pass-through, or that could violate any of the prohibitions in 40 CFR 403.5(b), the permittee must develop local limits for those pollutants as well.

b) Submitted results of the study must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions.

c) Local limits must be re-evaluated whenever the permittee is required by Part III.I. of this permit or 40 CFR 122.42(b) to provide notice to the Office of Water and Watersheds and IDEQ of a new introduction of pollutants.

6. Control of Undesirable Pollutants

The permittee must not allow introduction of the following pollutants into the publicly owned treatment works (POTW):

a) Pollutants which will create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 ºF or 60 ºC using the test methods specified in 40 CFR 261.21;

b) Pollutants which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0, unless the POTW is designed to accommodate such discharges;

c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW (including the collection system) resulting in interference;

d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

e) Heat in amounts which inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 ºC (104 ºF) unless the Regional Administrator, upon request of the POTW, approves alternate temperature limits;

f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

7. Requirements for Industrial users

The permittee must require any industrial user of its treatment works to comply with any applicable requirements in 40 CFR 403 through 471.

8. Influent Monitoring Requirements

The permittee must conduct monitoring as specified in Table 3.

Table 3: Influent Monitoring Requirements

Parameter	Units	Monitoring Requirements	
		Monitoring Frequency[1]	**Sample Type**
BOD_5 and TSS	mg/L	As specified in Table 1	
	lb/day		
Total Ammonia as N	mg/L		
	lb/day		
Total Phosphorus as P	mg/L		
	lb/day		
Temperature	ºC		

Notes:
1. To the extent practicable, influent sampling must coincide with effluent sampling.

9. Pretreatment Report

a) The permittee must submit an annual report pursuant to 40 CFR 403.12(i) that describes the permittee's program activities for all treatment plants in its jurisdiction over the January 1 – December 31 report year. This report must be submitted to the following address no later than January 31 of each year:

Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Suite 900 M/S OWW-130
Seattle, WA 98101

b) The pretreatment report must be compiled following the Region 10 Annual Report Guidance. At a minimum, the report must include:

(i) An updated non-domestic user inventory, including those facilities that are no longer discharging (with explanation), and new dischargers, appropriately categorized and characterized. Categorical users should have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard.

(ii) Results of wastewater and sludge sampling at the POTW as specified in Part II.C.8. and I.B. (above).

(iii) Calculations of removal rates for each pollutant for each day of sampling.

(iv) An analysis and discussion of whether the existing local limitations in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or sludge quality. This should include a

comparison between influent loadings and the most recent relevant maximum allowable headworks loadings calculated for the treatment plant.

(v) Status of program implementation, including:

(a) Any planned modifications to the pretreatment program that have been approved by EPA, including staffing and funding updates.

(b) A description of any interference, upset, or NPDES permit violations experienced at the POTW which were directly or indirectly attributable to non-domestic users, including:

(i) Date & time of the incident

(ii) Description of the effect on the POTW's operation

(iii) Effects on the POTW's effluent and biosolids quality

(iv) Identification of suspected or known sources of the discharge causing the upset

(v) Steps taken to remedy the situation and to prevent recurrence

(c) Listing of non-domestic users inspected and/or monitored during the report year with dates and an indication compliance status.

(d) Listing of non-domestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.

(e) Listing of non-domestic users whose permits have been issued, reissued, or modified during the report year along with current permit expiration dates.

(f) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards during the report year as required in 40 CFR 403.8(f)(2)(iii).

(g) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.

(vi) Status of enforcement activities including:

(a) Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, including:

(i) Summary of the violation(s).

(ii) Enforcement action taken or planned by the permittee.

(iii) Present compliance status as of the date of preparation of the pretreatment report.

(b) Listing of those users in significant noncompliance during the report year as defined in 40 CFR 403.8(f)(2)(vii) and a copy of the newspaper publication of those users' names.

(c) EPA may require more frequent reporting on those users who are determined to be in significant noncompliance.

III. Monitoring, Recording and Reporting Requirements

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

Samples and measurements must be representative of the volume and nature of the monitored discharge.

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

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

B. Reporting of Monitoring Results

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 10th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to IDEQ at the following addresses:

US EPA Region 10
Attn: ICIS Data Entry Team
1200 Sixth Avenue
Suite 900 M/S OCE-133
Seattle, Washington 98101

Idaho Department of Environmental Quality
1363 Fillmore St.
Twin Falls, ID 83301

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

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

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, on site 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 IDEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone to the NPDES Compliance Hotline in Seattle, Washington at (206) 553-1846 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 Part IV.F., “Bypass of Treatment Facilities”);

c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions"); or

d) any violation of a maximum daily discharge limitation for those pollutants identified in Table 1 (Footnote #4) of Part I.B.

e) any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

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.

e) if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

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

H. Other Noncompliance Reporting

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

I. Notice of New Introduction of Toxic Pollutants

The permittee must notify the Director of the Office of Water and Watersheds and IDEQ of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and

2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
   a) The quality and quantity of effluent to be introduced into the POTW, and
   b) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
4. The permittee must notify the Director of the Office of Water and Watersheds at the following address:

   US EPA Region 10
   Attn: NPDES Permits Unit Manager
   1200 6th Avenue
   Suite 900 M/S OWW-130
   Seattle, WA 98101

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 $32,500 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 $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $32,500). 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 $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $157,500).

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, at least 10 days before the date of the bypass.
    b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.

a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

(iii) The permittee submitted notices as required under paragraph 2 of this Part.

b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

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

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the

regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. and IDEQ 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 not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

J. Anticipated Noncompliance

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

K. Reopener

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

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 IDEQ, within the time specified in the request, any information that EPA or IDEQ 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 IDEQ, 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 IDEQ, it must promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All applications, reports or information submitted to EPA and IDEQ 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 IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a) The authorization is made in writing by a person described above;
   b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.

3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2. must be submitted to the Director of the Office of Compliance and Enforcement and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

F. Availability of Reports

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

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; IDEQ; 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 notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

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

VI. Definitions

1. "Act" means the Clean Water Act.
2. "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. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include

treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Chronic toxic unit" ("TUc") is a measure of chronic toxicity. TUc is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., $100/IC_{25}$).
8. "Composite" see "24-hour composite".
9. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
10. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
11. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
12. "DMR" means discharge monitoring report.
13. "EPA" means the United States Environmental Protection Agency.
14. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
15. "IDEQ" means the Idaho Department of Environmental Quality.
16. "Inhibition concentration", IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
17. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
18. "Method Detection Limit (MDL)" means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
19. "Minimum Level (ML)" means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming

that all the method-specified sample weights, volumes and processing steps have been followed.

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. "RWC" means receiving water concentration.
25. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
26. "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.
27. "8-hour composite" sample means a combination of at least 4 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over an 8-hour hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.