Permit No.: ID-002205-5

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 "CWA",

City of Lewiston Wastewater Facility
P.O. Box 617
Lewiston, Idaho 83501

is authorized to discharge from a wastewater treatment facility located in the City of Lewiston to receiving waters named the Clearwater Arm of Lower Granite Dam Pool at latitude 46$^{O}$ 25' 38", longitude 117$^{O}$ 01' 16", in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective December 31. 2001.

This permit and the authorization to discharge shall expire at midnight, January 2$^{nd}$ 2007.

Signed this 26 day of November 2001.

//s Mike Bussell for
Randall F. Smith
Director
Office of Water Region 10
U.S. Environmental Protection Agency

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## I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### A. Outfall 001 Effluent Limitations and Monitoring Requirements

1. The permittee is authorized to discharge from outfall 001, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

**Table 1: Limitations and Monitoring Requirements for Outfall 001**

| Parameter | Effluent Limitations | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|
| | Average Monthly | Average Weekly | Maximum Daily | Sample Location | Sample Frequency | Sample Type |
| Biochemical Oxygen Demand ($BOD_5$)<br>mg/l<br>lb/day | <br>30<br>1,430 | <br>45<br>2,145 | <br>---<br>--- | Influent & Effluent | 5/Week | 24-hr Compo-site |
| Total Suspended Solids (TSS)<br>mg/l<br>lb/day | <br>30<br>1,430 | <br>45<br>2,145 | <br>---<br>--- | Influent & Effluent | 5/Week | 24-hr Compo-site |
| Fecal Coliform, #/100ml[1] | --- | 200/100 | --- | Effluent | 5/Week | Grab |
| E.coli Bacteria, #/100 ml[2] | 126/100 | --- | 406/100 | Effluent | 5/Month | Grab |
| Total Residual Chlorine[3,4]<br>µg/l<br>lb/day | <br>340<br>14.29 | <br>---<br>--- | <br>700<br>33.33 | Effluent | 1/Day | Grab |
| Phosphorus as P, mg/l | --- | --- | --- | Effluent | 1/Month | 24-hr Compo-site |
| Total Ammonia (as N), mg/l | — | — | — | Effluent | 1/Month | 24-hr Compo-site |
| Nitrite + Nitrate nitrogen, mg/l | — | — | — | Effluent | 1/Month | 24-hr Compo-site |
| pH, standard units | Between 6.5 - 9.0 | | | Effluent | 5/Week | Grab |
| Flow, mg6[5] | --- | --- | --- | Effluent | Con-tinuous | Recording |
| Dissolved Oxygen, mg/l | --- | --- | --- | Effluent | 1/Week | Grab |

| Table 1: Limitations and Monitoring Requirements for Outfall 001 | | | | | | |
|---|---|---|---|---|---|---|
| **Parameter** | **Effluent Limitations** | | | **Monitoring Requirements** | | |
| | Average Monthly | Average Weekly | Maximum Daily | Sample Location | Sample Frequency | Sample Type |
| Temperature, °C | --- | --- | --- | | 1/Week | [1]Grab |

Footnotes:
1 The average weekly fecal coliform count must not exceed a geometric mean of 200/100 ml. See Part I.H for the definition of geometric mean.
2 The average monthly E.coli count must not exceed a geometric mean of 126/100 ml based on a minimum of five samples taken every three to five days over a thirty-day period. See Part I.H for the definition of geometric mean.
3 Reporting is required within 24 hours of a maximum daily limit violation. See Part II.G.
4 Residual chlorine limits and monitoring are required only when the chlorination system is in use.
5 See condition I.F.

2. There shall be no discharge of floating, suspended or submerged matter such that it causes a nuisance or objectionable condition or impairs designated beneficial uses.

3. Removal Requirements for $BOD_5$ and TSS: For any month, the monthly average effluent concentration shall not exceed 15 percent of the monthly average influent concentration.

   Percent removal of $BOD_5$ and TSS shall be reported on the Discharge Monitoring Reports (DMRs). The monthly average percent removal shall be calculated from the arithmetic mean of the influent value and the arithmetic mean of the effluent value for that month. Influent and effluent samples shall be taken over approximately the same time period.

B. Ambient Monitoring Program. The permittee shall implement an ambient monitoring program. Ambient monitoring shall begin 90 days after the effective date of this permit and shall continue monthly for 24 months. The following parameters shall be sampled:

| Parameter | Unit | Sample Type |
|---|---|---|
| Temperature | °C | grab |
| pH | standard units | grab |
| Hardnessas $CaCO_3$ | mg/l | grab |
| Alkalinity | mg/l | grab |
| Dissolved Oxygen | mg/l | grab |
| Ammonia | mg/l | grab |
| Nitrate-Nitrite | mg/l | grab |

| | | |
|---|---|---|
| Total Kjeldahl Nitrogen | mg/l | grab |
| Total Phosphorus | mg/l | grab |
| Orthophosphate | mg/l | grab |

The program shall meet the following requirements:

1. Monitoring stations shall be located as follows:

   - above the influence of the facility's discharge, and
   - below the facility's discharge, at a point where the effluent and the Clearwater River are completely mixed.

2. Monitoring stations shall be selected following consultation with the Idaho Department of Environmental Quality (IDEQ), Lewiston Regional Office.

3. To the extent practicable, ambient sample collection shall occur on the same day as effluent sample collection.

4. Results of the ambient monitoring shall be compiled and submitted to EPA and IDEQ no later than three months after the end of the ambient monitoring program.

C. Whole Effluent Toxicity (WET) Testing. Beginning after January 1, 2001, the permittee shall conduct sampling twice per year: once during the wet season and once during the dry season, approximately 6 months apart. Where possible, WET testing shall coincide with pretreatment sampling.

1. Organisms and Protocols

   a. The permittee shall conduct static-renewal tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test) and the fathead minnow, *Pimephales promelas* (larval survival and growth test).

   b. The presence of chronic toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.

   c. Results shall be reported in TUc (chronic toxic units). TUc = 100/No Observed Effect Concentration (NOEC) in percent effluent concentration.

2. Toxicity Trigger

   Chronic toxicity testing requirements are triggered when the NOEC exceeds 45 TUc, i.e., 2.2 percent effluent concentration. When chronic toxicity testing requirements are triggered, the permittee shall comply with the requirements set out in Parts 5 and 6 below.

3. Quality assurance

   a. A series of five dilutions and a control shall be tested. The series shall include the instream water concentration (IWC), two dilutions between 2.2 percent and 50 percent, and two dilutions below the IWC. The IWC is 2.2 percent effluent. IWC is the concentration at the edge of the expected mixing zone to be granted by the State. The IWC is 1/(Qe/(Qe+(%MZ*Qu)).

   b. If organisms are not cultured in-house, concurrent testing with reference toxicants shall be conducted. Where organisms are cultured in-house, monthly testing is sufficient.

   c. If either the reference toxicant test or the effluent tests do not meet all test acceptability criteria (TAC) as specified in the test methods manual, then the permittee must re-sample and re-test as soon as possible.

   d. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration, etc.).

   e. Control and dilution water shall be laboratory water as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. Receiving water may be used as control and dilution water upon notification of EPA. In no case shall water that has not met test acceptability criteria be used as dilution water.

   f. Chemical testing for the parameters listed in Part I.A.1 of this permit shall be performed on a split sample collected for WET testing. To the extent that the timing of sample collection coincides with that of the sampling required in Part I.A.1 of this permit, chemical analysis of the split sample will fulfill the requirements of Part I.A.1.

   4. Preparation of initial investigation toxicity reduction evaluation (TRE) plan

      The permittee shall submit to EPA a copy of the permittee's initial investigation TRE workplan within 90 days of the effective date of this permit. This plan shall describe the steps the permittee intends to follow in the event that toxicity testing requirements as described in Part I.C.2. above, are detected, and should include at a minimum:

      a. a description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;

b. a description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and

c. if a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).

5. Accelerated testing

a. If chronic toxicity testing requirements as defined in Part I.C.2. above are triggered, the permittee shall implement the initial investigation workplan. If implementation of the initial investigation workplan indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary. If toxicity is detected in this test, then the following paragraph [I.C.5.(b)] shall apply.

b. If chronic toxicity testing requirements as defined in Part I.C.5.(a) above are triggered, and toxicity is detected in the test required under Part I.C.5(a) above, then the permittee shall conduct six more tests, bi-weekly (every two weeks), over a twelve-week period. Testing shall commence within two weeks of receipt of the sample results of the exceedance.

6. Toxicity Reduction Evaluation (TRE)

a. If chronic toxicity, as defined in Part I.C.2., is detected in any of the six additional tests required under Part I.C.5.(b), then, in accordance with the permittee's initial investigation workplan and EPA manual EPA 833-B-99-002 (Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants), the permittee shall initiate a TRE within fifteen (15) days of receipt of the sample results of the exceedance. The permittee will develop as expeditiously as possible a more detailed TRE workplan, which includes:

(1) further actions to investigate and identify the cause of toxicity;
(2) actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
(3) a schedule for these actions.

b. The permittee may initiate a toxicity identification evaluation (TIE) as part of the overall TRE process described in the EPA acute and chronic TIE manuals EPA/600/6-91/005F

(Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).

c. If none of the six tests required under Part I.C.5.(b) above indicates toxicity, then the permittee may return to the normal testing frequency.

d. If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TIE.

7. Reporting

a. Results of the toxicity tests, including any accelerated testing conducted during the month, shall be reported on the discharge monitoring report (DMR) for the month in which the test is conducted.

b. The full report shall be submitted by the end of the month in which the DMR is submitted.

c. The full report shall consist of: (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the flow rate at the time of sample collection; and (4) the results of the effluent analysis for chemical parameters required for the outfall as defined in Part I.A.1. of the permit.

d. Test results for chronic tests shall also be reported according to the chapter on Report Preparation found in *Short-Term Methods for estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.

D. Quality Assurance Plan

1. The permittee shall develop a Quality Assurance Plan (QAP). The primary purpose of the QAP shall be to assist in planning for the collection and analysis of samples in support of the permit and in explaining data anomalies when they occur.

2. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in:

a. *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 EPA, and

b. *Guidance on Quality Assurance Project Plans*, EPA QA/G-5.

The following reference may be helpful in preparing the Quality Assurance Plan for this permit: *The Volunteer Monitors Guide to Quality Assurance Project Plans* EPA 841-B-96-003, September 1996.

3. The Plan shall be completed within 90 days of the effective date of this NPDES permit. The permittee shall keep a copy of the permit on site at all times.

4. At a minimum, the plan shall include the following:

   a. Sampling techniques (field blanks, replicates, duplicates, control samples, etc.),

   b. Sampling preservation methods,

   c. Sampling shipment procedures,

   d. Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts),

   e. Qualification and training of personnel, and
   f. Analytical methods (including quality control checks, quantification/detection levels).

5. Name(s), addresses and telephone number(s) of the laboratories used by or proposed to be used by the permittee shall be specified in the QAP.

E. Operation and Maintenance Plan

1. Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance (O&M) plan and ensure that it includes appropriate best management practices (BMPs). The O&M plan shall include measures which prevent or minimize the potential for the release of pollutants to the Clearwater River. The Plan shall be retained on site and made available to EPA or IDEQ upon request.

2. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the O & M Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:

   a. Spill prevention and control;

b. Optimization of chlorine use;

c. Preventive maintenance program;

d. Research, development and implemention of a public information and education program to control the introduction of household hazardous materials to the sewer system; and

e. Water conservation.

F. Design Criteria Requirements

The design criterion for the permitted facility is an annual average flow of 5.71 mgd. Each month, the permittee shall compute an annual average value for flow entering the facility based on the previous twelve months data. If the average annual value exceeds 85% of the design criterion value, the permittee shall develop a facility plan and schedule within one year from the date of the first exceedence. The plan must include the permittees' strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.

G. 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 Pretreatment Study, Volume V of Wastewater Management Program for the City of Lewiston* (May, 1981), which was approved by EPA Region 10 on July 1, 1982, 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 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 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). 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 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 Part 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 Memorandum of Understanding 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 twice per year.

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 not 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. If the permittee elects to conduct all the 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.

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 the largest daily newspaper in the permittee's service area, 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)(vii).

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

l. Conduct an analysis to determine whether influent pollutant loadings are approaching the maximum allowable headworks loading in the permittee’s 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. The permittee mustl implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.

3. Enforcement Requirements. 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. Within twelve months of the effective date of this permit, the permittee must submit to EPA a complete local limits evaluation. 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: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, and zinc. Submitted results of the study must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions.

6. Control of Undesirable Pollutants. The permittee must not allow the 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°F or 60°C 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 wastes;

   c. Solid or viscous substances in amounts which cause obstructions to the flow in the POTW (including sewers) resulting in interference;

   d. Wastewaters at a flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;

   e. Any pollutant, including oxygen demanding pollutants ($BOD_5$, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POW;

   f. 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°C (104°F) unless the Regional Administrator, upon the request of the POTW, approves alternate temperature limits;

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

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. Program Sampling Requirements.

a. Parameters: The permittee must sample influent, effluent, and sludge from the POTW for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, and zinc. Metals must be analyzed and reported as total metals. Sludge must also be sampled for percent solids.

b. Frequency: Sampling must be conduct once each calendar quarter for the duration of the permit.

c. The permittee must sample as described in Table 2.

Table 2: Pretreatment Monitoring - Sample Types and Frequency

| Wastestream | Sample Type | Frequency |
|---|---|---|
| Influent | 24-hour Composite[1] | 3 Consecutive days (Mon - Fri) |
| Effluent | 24-hour Composite[1] | 3 Consecutive days (Mon - Fri) |
| Sludge | Grab | Once, during the same time period that influent and effluent samples are being taken |

1. Influent and effluent samples for cyanide must be collected and analyzed as required in paragraph 8.h. of this part.

To the extent that the timing of effluent sampling coincides with sampling required for whole effluent toxicity testing under paragraph I.C, these results will satisfy the requirements of that paragraph.

d. Analytical Methods: For influent and effluent pretreatment sampling, the permittee must use EPA-approved analytical methods that achieve the method detection limits (MDLs) or minimum level (ML) in Table #3 unless higher detection limits are approved by EPA.

| Table 3: Method Detection Limits | |
|---|---|
| **Parameter** | **MDL/ML, : g/l** |
| Arsenic | 1.0 |
| Cadmium | 0.1 |
| Chromium | 1.0 |
| Copper | 1.0 |
| Cyanide | 5.0[1] |
| Lead | 1.0 |
| Mercury | 0.2 |
| Nickel | 5.0 |
| Silver | 0.2 |
| Zinc | 5.0 |
| 1. This value represents a minimum level, not an MDL. | |

Requests for higher MDLs for pretreatment monitoring must be submitted in writing to the Pretreatment Coordinator at the address in paragraph 9, below.

e. Sludge Sampling: Sludge samples must be taken as the sludge leaves the dewatering device or digesters.

f. Sludge Reporting: Metals concentrations in sludge must be reported in mg/kg, dry weight.

g. Reporting Results: Analytical results for each day's samples must be reported separately. Sample results must be submitted with the pretreatment annual report required in paragraph I, below.

h. Cyanide Sampling: Influent and effluent sampling for cyanide must be conducted as follows. Eight discrete grab samples must be collected over a 24-hour day. Each grab sample must be at least 100 ml. Each sample must be checked for the presence of

chlorine and/or sulfides prior to preserving and compositing (refer to *Standard Methods*, 4500-CN B). If chlorine and/or sulfides are detected, the sample must be treated to remove any trace of these parameters. After testing and treating for the interference compounds, the pH of each sample must be adjusted, using sodium hydroxide, to 12.0 standard units. Each sample can then be composited into a larger container which has been chilled to 4 degrees Celsius, to allow for one analysis for the day.

9. Pretreatment Report

   a. The permittee must submit an annual report that describes the permittee's program activities over the previous twelve months. 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, OW-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:

      1) 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.

      2) Results of wastewater and sludge sampling at the POTW as specified in Part G.8.

      3) Calculations of removal rates for each pollutant for each day of sampling.

      4) 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 with the most recent relevant maximum allowable headworks loadings calculated for the treatment plant.

5) Status of program implementation, including:

(a) Any planned modifications to the pretreatment program that has 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 and 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 of 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.

6). 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.

EPA may require more frequent reporting on those users in significant noncompliance.

H. Definitions

1. "Administrator" means the Administrator of the EPA, or an authorized representative.

2. "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.

3. "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.

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

5. "Chronic toxic unit" ("$TU_c$") is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as 100/NOEC, where the NOEC is measured in percent effluent.

6. "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.

7. “Director” means the Director of the Office of Water, EPA, or an authorized representative.

8. “DMR” means discharge monitoring report.

9. “EPA” means the United States Environmental Protection Agency.

10. “Geometric mean” of “n” quantities is the “nth” root of the product of the quantities. For example, the geometric mean of 100, 200 and 300 is $(100 \text{ X } 200 \text{ X } 300)^{1/3} = 181.7$.

11. "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.

12. Maximum daily discharge limitation" means the highest allowable "daily discharge."

13. “Method Detection Limit (MDL)” means the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method.

14. “Minimum Level ( ML)” is the concentration at which the entire analytical system musts give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific weights, volumes and processing steps have been followed.

15. “No observed effect concentration (NOEC)” is the highest tested concentration of an effluent at which no adverse effects are observed on the test organisms at the specific time of observation.

16. “Regional Administrator” means the EPA Region 10 Regional Administrator, or an authorized representative.

17. "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.

18. "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.

19. “Waste stream” means any non-de minimus stream of pollutants within the permittee's facility that enters any permitted outfall or navigable waters. This includes spills and other unintentional, non-routine or unanticipated discharges.

20. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

## II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I 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.

B. 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.

C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 15th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J. (Signatory Requirements) and submitted to the Director, Office of Water and the State agency at the following addresses:

original to: United States Environmental Protection Agency Region 10
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

copy to: Idaho Department of Environmental Quality
1118 F Street
Lewiston, Idaho 83501

D. 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 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.

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

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

2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;

4. The individual(s) who performed the analyses;

5. The analytical techniques or methods used; and

6. The results of such analyses.

F. 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. This period may be extended by request of the Director at any time. Data collected on-site, copies of DMRs, and a copy of this NPDES permit must be maintained on-site.

G. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone, to the EPA hotline at 206-553-1846, within 24 hours from the time the permittee becomes aware of the circumstances:

a. Any noncompliance which may endanger health or the environment.

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

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

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

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall 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 reoccurrence of the noncompliance.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington.

4. Reports shall be submitted to the addresses in Part II.C (Reporting of Monitoring Results).

H. 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 II.C (Reporting of Monitoring Results) are submitted. The report shall contain the information listed in Part II.G.3 (Twenty-four Hour Notice of Noncompliance Reporting).

I. Inspection and Entry. The permittee shall allow the Director 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 CWA, any substances or parameters at any location.

## III. 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. 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.

B. Penalties for Violations of Permit Conditions.

1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections Penalty. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall be subject to a civil or administrative penalty, not to exceed the maximum amounts specified in Sections 309(d) and 309(g) of the CWA 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).

2. Criminal Penalties:

a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the CWA.

b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the CWA.

c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301,

302, 303, 306, 307, 308, 318, or 405 of the CWA, 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 and/or imprisonment as specified in Section 309(c)(3) of the CWA.

d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this CWA or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, mustl, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the CWA.

Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. 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.

D. 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.

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 (O&M) also includes adequate laboratory controls and 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.

F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities.

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 paragraphs 2 and 3 of this section.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior notice, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part II.G (Twenty-four Hour Notice of Noncompliance Reporting).

3. Prohibition of bypass.

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

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

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 judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3) The permittee submitted notices as required under paragraph 2 of this section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. 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 requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset 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 II.G ("Twenty-four Hour Notice of Noncompliance Reporting"); and

   d. The permittee complied with any remedial measures required under Part III.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.

I. 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.

## IV. GENERAL PROVISIONS

A. Notice of New Introduction of Pollutants. The permittee must provide adequate notice to the Director, Office of Water of:

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

2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works 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 such treatment works; and

    b. Any anticipated impact of the change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

B. Control of Undesirable Pollutants. Under no circumstances will the permittee allow the introduction of the following wastes into the waste treatment system:

1. Wastes which will create a fire or explosion hazard in the POTW;

2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes;

3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the POTW.

4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency; and

5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.

C. Requirements for Industrial Users. The permittee must require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.

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

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

F. 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.

G. 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.

H. Duty to Provide Information. The permittee must 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 must also furnish to the Director, upon request, copies of records required to be kept by this permit.

I. 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 must promptly submit such facts or information.

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

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

2. All reports required by the permit and other information requested by the Director 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 and submitted to the Director, and

    b. 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.)

3. Changes to authorization. If an authorization under paragraph IV.J.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 paragraph IV.J.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. Certification. Any person signing a document under this section 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."*

K. 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 must be available for public inspection at the offices of the Director. As required by the CWA, permit applications, permits and effluent data must not be considered confidential.

L. Oil and Hazardous Substance Liability. Nothing in this permit Must be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.

M. 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 or local laws for regulations.

N. 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.

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

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

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

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

P. 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 Clean Water Act.

Q. Reopener Clause. This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of issuance, including future monitoring results. All requests for permit modification must be addressed to EPA in writing and must contain facts or reasons supporting the request.

The permit may also be reopened to adjust any effluent limitations should future water quality studies, waste load allocation determinations, or changes in water quality standards show the need for different requirements.
This permit may be modified or revoked and reissued based on the results of Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (FWS, NMFS, or collectively the “Services”).

All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.