

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 Heyburn
P.O. Box 147
Heyburn, Idaho 83336

is authorized to discharge from a wastewater treatment facility located in Heyburn, Idaho.

to receiving waters named the Snake River,

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

This permit shall become effective January 7, 2002

This permit and the authorization to discharge shall expire at midnight, January 8, 2007

Signed this 29th day of November, 2001

_____/s/_____
Randall F. Smith
Director
Office of Water, Region 10
U.S. Environmental Protection Agency

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The following is a summary of the items the permittee must submit during the term of this permit.

<u>Item</u>	<u>Due Date</u>
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked by the 10 th day of the month following the monitoring month (see Part II.C, page 9).
2. Surface Water Monitoring	Results must be submitted 180 days prior to the expiration date of the permit (see Part I.B., page 6 of the permit.)
3. Quality Assurance Plan	The Plan must be submitted to EPA within 60 days of the effective date of the permit (see Part I.C., page 6 of the permit).
4. Sludge Application	The application must be submitted one year after the effective date of the permit (see Part I.D, page 7 of the permit).
5. Annual Report of Progress	Submit one year after the effective date of the permit, and annually thereafter (see Part I.E., page 7 of the permit).
6. NPDES Application	The application must be submitted 180 days before the expiration date of the permit (see Part IV.G., page 16 of the permit).

I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations and Monitoring Requirements.

1. During the period beginning on the effective date of this permit the Permittee is authorized to discharge wastewater to the Snake River from Outfall 001 provided the discharge meets the limitations and monitoring requirements 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.

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Instantaneous Maximum Limit	Sample Location	Sample Frequency	Sample Type
Flow, MGD	—	—	—	Effluent	Continuous	Recording
Biological Oxygen Demand (BOD ₅)	30 mg/l	45 mg/l	—	Influent and Effluent	1/week	8-hour composite
	165 lb/day	248 lb/day	—			
Total Suspended Solids (TSS)	30 mg/l	45 mg/l	—	Influent and Effluent	1/week	8-hour composite
	165 lb/day	248 lb/day	—			
Fecal Coliform Bacteria ¹	—	200/100 ml	—	Effluent	1/week	grab
E. coli Bacteria ^{2,3}	126/100 ml	—	406/100 ml	Effluent	5/month	grab
Total Phosphorus as P, mg/l	5.0 lbs/day	10.1 lbs/day	—	Effluent	1/ week	8-hour composite
Oil and Grease, mg/l	—	—	—	Effluent	1/month	grab
Total Ammonia as N	—	—	—	Effluent	1/month	8-hour composite
Temperature, °C	—	—	—	Effluent	1/month	grab

1. The average weekly fecal coliform count must shall not exceed a geometric mean of 200/100 ml. See Part I.F. for 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.F. for definition of geometric mean.

3. Reporting is required within 24 hours of an instantaneous maximum limit violation. See part II.G.

2. The pH range shall be between 6.5 - 9.0 standard units. The Permittee shall monitor for pH five days per week (Monday through Friday), whenever there is an effluent discharge to the Snake River. Sample analysis shall be conducted on a grab sample from the effluent.

3. There shall be no discharge of floating solids, visible foam, or oil and grease in other than trace amounts.

4. For any month, the monthly average effluent concentration of TSS and

BOD₅ shall not exceed 15 percent of the monthly average influent concentration of TSS and BOD₅.

Percent removal of BOD₅ 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. Surface Water Monitoring. The permittee shall conduct surface water monitoring starting 3 years after the effective date of the permit and continuing for 1 year. The monitoring requirements include the following:

1. A monitoring station shall be established in the Snake River above the influence of the facility's effluent discharge. The monitoring station must be approved by IDEQ and EPA.
2. To the extent practicable, surface water sample collection shall occur on the same day as effluent sample collection.
3. Surface water samples shall be grab samples.
4. Grab samples shall be collected twice per month, and evenly spaced over the month.
5. Samples shall be analyzed for pH, temperature, and total ammonia.
6. Quality assurance/quality control plans for all the monitoring shall be documented in the Quality Assurance Plan required in Part I.C., below.
7. Surface water monitoring results shall be submitted to EPA with the next permit application, which is due 180 days prior to the expiration date of the permit.

C. Quality Assurance Requirements. The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The plan must be submitted to EPA and IDEQ for review within 60 days of the effective date of this permit and implemented within 120 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:

(1) *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5), and
(2) *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5).

The QAP must be prepared in the form which 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.

D. **Sludge Requirements.** The Permittee shall update its sludge application and submit it to EPA no later than one year from the effective date of the permit.

E. **Total Phosphorus Schedule of Compliance.**

1. The permittee must achieve compliance with the total phosphorus

limitations of Part I.A.1. (Table 1), by December 31, 2004.

2. Each year the permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the total phosphorus effluent limitations. The first report is due one year after the effective date of permit and annually thereafter, until compliance with the total phosphorous effluent limits is achieved. See also Part III.J., "Compliance Schedules". At a minimum, the annual report must include:
 - a. An assessment of the previous year of total phosphorus data and comparison of this data to the final effluent limitations.
 - b. A report on progress made towards meeting the effluent limitations.
 - c. Further actions and milestones targeted for the upcoming year.

F. Definitions.

1. "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.
2. "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.
3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
4. "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.
5. "Director" means the Director of the Office of Water, EPA or an authorized representative.

6. "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 $(100 \times 200 \times 300)^{1/3} = 181.7$
7. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
8. An "Instantaneous Maximum Limit" means the maximum allowable concentration of a pollutant determined from the analysis of any discrete sample collected, independent of the flow rate and the duration of the sampling event
9. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
10. "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.
11. "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.
12. An "8-hour composite" sample means a combination of at least 3 discrete samples collected at equal time intervals from the same location, over an 8 hour period. 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*.

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 Part 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) or an equivalent. The reports shall be submitted monthly and are to be postmarked by the 10th 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 (EPA) Region 10
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

copy to: Idaho Division of Environmental Quality (IDEQ)
Twin Falls Regional Office
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301

- 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 Discharge Monitoring Reports, 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 an instantaneous 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. are submitted. The reports shall contain the information listed in Part II.G.2.

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 Act, 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 Act 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 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).

2. Criminal Penalties:

- a. Negligent Violations. Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.
- 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 Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
- c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 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 and/or imprisonment as specified in Section 309(c)(3) of the Act.
- d. False Statements. 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 Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, must be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

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 shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and 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 shall 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 shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The Permittee shall 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 shall 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.

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

IV. GENERAL REQUIREMENTS

- A. **Notice of New Introduction of Pollutants.** The Permittee shall 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 Act 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 shall 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 on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- B. **Control of Undesirable Pollutants.** The permittee shall not allow introduction of the following pollutants into the publicly owned treatment works (POTW):
1. 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;
 2. 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;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW (including sewers) resulting in interference;
4. Wastewater 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; and
5. 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.
6. 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 exceeds 40 °C (104° F) unless the Regional Administrator, upon request of the POTW, approves alternate temperature limits;
7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
8. 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
9. Any trucked or hauled pollutants, except at discharge points designated by the POTW .

- C. **Requirements for Industrial Users.** The Permittee shall require any industrial user of these treatment works to comply with any applicable requirements of 40 CFR Part 403 through 471.
- 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 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.

- 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 shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- 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 shall promptly submit such facts or information.
- J. **Signatory Requirements.** All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall 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 shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 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 shall make the following certification:

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

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

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

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 or 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 Permittee 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 Act.