

Permit No.: ID-002127-0
Application No.: ID-002127-0

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 TWIN FALLS

is authorized to discharge from a municipal wastewater treatment facility located in Twin Falls (Twin Falls County), Idaho,

to receiving waters named Snake River, at approximate river mile 608.5 in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective May 1, 2000

This permit and the authorization to discharge shall expire at midnight May 1, 2005

Signed this 28th day of March, 2000

/s/Randall F. Smith
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. Effluent Limitations.

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 001 subject to the following conditions:

1. The pH of the effluent shall not be less than 6.0 nor greater than 9.0.
2. There shall be no discharge of floating solids, visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
3. The following effluent limits shall apply:

EFFLUENT CHARACTERISTIC	UNIT OF MEASURE	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY
Biochemical Oxygen Demand 5-day (BOD ₅)	mg/l lb/day	30 1952	45 2928	--- ---
Total Suspended Solids (TSS)	mg/l lb/day	30 1952	45 2928	--- ---
Fecal Coliform Bacteria	#/100 ml	100	200	---
Total Residual Chlorine*	mg/l	0.012	---	0.033
Total Phosphorus**	lbs/day	710	1400	---
Total Ammonia as N May 1 - September 30	mg/l lb/day	3.8 247	--- ---	5.4 351
Total Ammonia as N October 1 - April 30	mg/l lb/day	5.2 338	--- ---	7.5 488

*Applies only when the chlorine disinfection system is in use. EPA has set forth reporting thresholds to measure the highest acceptable quantification levels for total residual chlorine. The reporting thresholds do not authorize discharge in excess of the effluent limits. For more information, see special conditions on the last page of this permit. The value reported may be designated as the detection limit for chlorine (0.05 mg/l), based upon the DPD or amperometric method described by Standard Methods, 17th edition, Section 4500-Cl G.

**The total phosphorus limitation is effective beginning on August 30, 2004, consistent with Section I.E.

4. Percent removal requirements for BOD₅ and TSS are as follows: For any month, the monthly average effluent concentration shall not exceed 15 percent of the

monthly average influent concentration.

Percent removal of BOD₅ and TSS shall be reported on the discharge monitoring reports (DMRs). For each parameter, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month.

B. Monitoring Requirements.

1. Treatment Plant Monitoring

Parameter	Location*	Sample Frequency	Sample Type
Total Flow	Influent or Effluent	Continuous	Recording
BOD ₅ **	Influent & Effluent	1/day	24-hour Composite 24-hour Composite
TSS**	Influent & Effluent	1/day	24-hour Composite 24-hour Composite
pH	Effluent	1/day	Grab
Fecal Coliform	Effluent	3/week	Grab
Total Residual Chlorine***	Effluent	2/day	Grab
Total Ammonia as N	Effluent	1/week	24-hour Composite
Nitrate-Nitrogen	Effluent	1/week	24-hour Composite
Total Kjeldahl Nitrogen	Effluent	1/week	24-hour Composite
Total Phosphorus	Effluent	1/week	24-hour Composite

* Effluent samples shall be collected after the last treatment unit prior to discharge.

** Influent and effluent composite samples shall be collected during the same 24-hour period.

***Monitoring for Total Residual Chlorine shall be required only on days and/or during periods when the chlorine disinfection system is being used.

2. Receiving Water Monitoring

An annual receiving water monitoring program shall be performed during low flow periods, as established by historical and current data obtained from the USGS gaging station near Kimberly, Idaho (River Mile 617.5). Stations shall be established both upstream and downstream of the discharge and sampled concurrently with the effluent for analysis of the following parameters:

Flow (receiving water and effluent)

TSS

Fecal Coliform Bacteria

Chlorine Residual*

Dissolved Oxygen

pH

Temperature

Ammonia (Unionized)

Nitrate

Nitrite

Total Phosphorus

*If the chlorine system is being used at the time of sampling.

A final summary report shall be submitted to EPA and the Idaho Department of Environmental Health no later than December 31 of each year. The first report shall be due on December 31, 1994.

3. Toxicity Testing Requirements:

- a. Chronic toxicity testing shall be performed two times per year, once in April and once in October, throughout the term of this permit. This testing shall be scheduled concurrently with the pretreatment sampling for metals. Toxicity testing results shall be submitted with the monthly DMR the month after testing. Chronic toxicity testing requires a fresh sample every other day (day 1,3,5). The effluent data shall be obtained from the composite sample used for day 1 toxicity tests. Toxicity test samples for days 1, 3, and 5 will be analyzed for BOD₅, TSS, fecal coliform, alkalinity, ammonia, conductivity, dissolved oxygen, hardness, pH, temperature, and total residual chlorine.
- b. Organisms and protocols
 - i. The permittee shall conduct static-renewal tests with the cladoceran, *Ceriodaphnia dubia* survival and reproduction test and the fathead minnow, *Pimephales promelas* larval survival and growth test.
 - ii. 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 TU_c (chronic toxic units). TU_c = 100/NOEC.
- d. Toxicity triggers. For the purposes of determining compliance with

paragraphs g.- h. below, chronic toxicity is triggered when the NOEC exceeds 6.7 TUc.

e. Quality assurance

- i. A series of five dilutions and a control shall be tested. The series shall include the receiving water concentration (RWC), two dilutions above the RWC, and two dilutions below the RWC. The RWC is 15 percent effluent.
- ii. Concurrent testing with reference toxicants shall also be conducted if organisms are not cultured in-house. Otherwise, monthly testing with reference toxicants is sufficient. Reference toxicants shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration and type).
- iii. If the effluent tests do not meet all test acceptability criteria as specified in the manual, then the permittee must re-sample and re-test as soon as possible.
- iv. Control and dilution water shall be synthetic, moderately hard 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 and IDEQ. In no case shall water that has not met test acceptability criteria be used as dilution water.

f. 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.B.3.d. above, are detected, and should include at a minimum:

- i. a description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;
- ii. 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
- iii. if a toxicity identification evaluation (TIE) is necessary, who will

conduct it (i.e., in-house or other).

- g. Accelerated testing
 - i. If chronic toxicity testing requirements as defined in Part I.B.3.d. 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 Part I.B.3.g.(ii) shall apply.
 - ii. If chronic toxicity testing requirements as defined in Part I.B.3.g.(i). above are triggered, 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.
- h. TRE and toxicity identification evaluation (TIE)
 - i. If chronic toxicity testing requirements as defined Part I.B.3.d. are triggered in any of the six additional tests required under Part I.B.3.g.(ii), 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:
 - further actions to investigate and identify the cause of toxicity;
 - actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
 - a schedule for these actions.
 - ii. The permittee may initiate a 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).
 - iii. If none of the six tests required under Part I.B.3.g.(ii) above indicates toxicity, then the permittee may return to the normal testing frequency.
 - iv. 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.

i. Reporting

- i. The permittee shall submit the results of the toxicity tests, including any accelerated testing conducted during the month, in TUs with the discharge monitoring reports (DMR) for the month in which the test is conducted. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, pursuant to Part I.B.3.g.(ii), then those results shall also be submitted with the DMR for the quarter in which the investigation occurred.
- ii. The full report shall be submitted by the end of the month in which the DMR is submitted.
- iii. The full report shall consist of: the results; the dates of sample collection and initiation of each toxicity test; the triggers as defined in Part I.B.3.d. above; the type of activity occurring; the flow rate at the time of sample collection; and the chemical parameter monitoring required for the outfall(s) as defined in the permit.
- iv. Test results for chronic tests shall also be reported according to the chronic manual chapter on Report Preparation, and shall be attached to the DMR.

C. Reopener Clause

EPA may reopen this permit on the basis of monitoring results, other reported information, or other causes consistent with federal regulations, to modify and/or establish specific monitoring requirements, effluent limitations, or other permit conditions. In addition, at such time as the phosphorus TMDL is modified or additional TMDLs are completed for the Mid-Snake River, this permit may be reopened to incorporate the appropriate effluent limitations and conditions. The permit may also be reopened to incorporate USF&WS requirements for protection of endangered snails in the Snake River below the city's discharge point.

D. Best Management Practices Plan

The permittee shall develop and submit a Best Management Practices Plan (the BMP Plan) and schedule for implementation by February 28, 2000. The BMP Plan shall include measures which prevent, or minimize, the potential for the release of nutrients to the Middle Snake River. The BMP Plan shall be consistent with the Municipal Industry Management Actions of the Middle Snake River Watershed Management Plan (Table 30). The BMP Plan shall be retained on site and made available to EPA and IDHW-DEQ upon request.

1. Measures and Controls. 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 Plan shall reflect identified potential sources of pollutants at the facility. The description of management controls shall address, to the extent practicable, the following minimum components:

- (a) Research, develop and implement a public information and education program;
- (b) Water conservation;
- (c) Land application of treated effluent;
- (d) Land application of Biosolids;
- (e) Storm water pollution prevention;
- (f) Operational practices that can be used to reduce nutrient levels in wastewater treatment.

E. Total Phosphorus Schedule of Compliance

1. The permittee shall achieve compliance with the total phosphorus effluent limitations of Section I.A.3. by August 30, 2004.
2. Reporting. The permittee shall submit an annual Report of Progress which outlines the progress made towards reaching the compliance date for total phosphorus effluent limitations. The annual report shall include an assessment of the previous year of phosphorus data and comparison to final effluent limitations, a report on progress made towards meeting the final limitations, and milestones targeted for the upcoming year. The annual Report of Progress shall be submitted with the January Discharge Monitoring Report (DMR). The first report is due with the January 2000 DMR and annually thereafter, until compliance with the effluent limit is achieved.

F. Pretreatment Program Sampling Requirements.

The permittee shall sample, during April and October of each year, for the following pollutants: arsenic, cadmium, chromium, copper, cyanide¹, lead, mercury, nickel, silver, and zinc. Results shall be reported as total.

The following sampling protocol shall be followed:

	<u>Sample Type</u>	<u>Frequency</u>
Influent	24-hour daily composite	3/week (Mon., Wed., and Fri.);
Effluent	24-hour daily composite	3/week (Mon., Wed., and Fri.)
Final Sludge	Grab	Once, during the same time period that influent and effluent samples are being taken

Daily composite samples shall be analyzed and reported separately. Sample results shall be submitted with the pretreatment annual report (see Section II. D.1.b).

¹Cyanide sampling of influent and effluent: eight discrete samples shall be collected over an operating day. The permittee must check for the presence of sulfides and chlorine prior to compositing (refer to Standard Methods 4500-CN B). Each aliquot shall not be less than 100 ml. Once tested for the interference compounds, the pH of each aliquot shall be adjusted to greater than 12.0 standard units with sodium hydroxide. Each aliquot can then be composited into a larger container which has been chilled to 4 degrees centigrade to allow for one analysis for the day. The permittee may elect to sample for cyanide prior to chlorination.

G. 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. 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.
6. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
7. "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.

8. 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.
9. "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.

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). 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, Water Division 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 Department of Health and Welfare (IDHW-DEQ)
Division of Environmental Quality
601 Pole Line Road, Suite #2
Twin Falls, Idaho 83301

D. Pretreatment Report

1. The permittee shall provide to the U.S. EPA Region 10 Office an annual report that describes the permittee's program activities between October 1 and September 30. This report shall be submitted to the following address no later than November 1 of each year:

Pretreatment Coordinator
U.S. EPA
1200 Sixth Avenue, OW-130
Seattle WA 98101

2. The pretreatment report shall be compiled following the Region 10 Annual Report Guidance and shall include:
 - a. An updated non-domestic user inventory. The inventory shall list those facilities that are no longer in business along with new businesses appropriately categorized and characterized.
 - b. Results of wastewater sampling at the treatment plants as specified in Part I.F. In addition, the permittee shall calculate removal rates for each pollutant for each day of sampling, and provide an analysis and discussion as to whether the existing local limitations contained in the permittee's ordinance, continue to be appropriate to prevent treatment plant interference, pass through of pollutants that could affect water quality or sludge contamination. The permittee will be required to revise existing local limits or develop new limits if deemed necessary by EPA.
 - c. Status of program implementation to include:
 - (1) Any planned substantial modifications to the pretreatment program as originally approved by the U.S. Environmental Protection Agency, to include staffing and funding updates.
 - (2) Any interference, upset or NPDES permit violations experienced at the POTW directly or indirectly attributable to non-domestic users.
 - (3) Listing of non-domestic users inspected and/or monitored during the previous year with a summary of compliance status.
 - (4) Listing of non-domestic users planned for inspection and/or monitoring for the next year along with associated frequencies.
 - (5) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards as required in 40 CFR Part 403.8(f)(2)(iii).
 - (6) Listing of non-domestic users whose industrial waste acceptance forms (permit) have been issued, reissued or modified.
 - (7) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.

d. Status of enforcement activities to include:

Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, a summary of the violation(s), the enforcement action taken or planned by the permittee and the present compliance status as of the date of preparation of the pretreatment report. The report shall also identify those users in Significant Non-Compliance (SNC) and copies of SNC newspaper publication. EPA may require more frequent reporting on those users who attain a level of Significant Non-Compliance.

3. The permittee shall submit in writing to EPA any substantial program modification, as defined in 40 CFR 403.18 (c), at least 60 days prior to implementation. No substantial program modification may be implemented by the permittee prior to receiving written authorization from EPA. Non-substantial program modifications shall be submitted to EPA at least 30 days before implementation as outlined in 40 CFR 403.18(b)(2).

E. 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.

F. 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.

G. 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 during the duration of activity at the permitted location.

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. A permittee shall report the following occurrences of noncompliance by telephone (206-553-1846) within 24 hours from the time a permittee becomes aware of the circumstances (for noncompliance endangering listed Snake River snail species, a permittee also shall report to the U.S. Fish and Wildlife Service at 208-378-5243):
 - a. any discharge(s) to the receiving waters not authorized for coverage under this permit;
 - b. any noncompliance that may endanger health, the environment, or listed Snake River snail species;
 - c. any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this permit;
 - d. any upset that results in or contributes to an exceedance of any effluent limitation in this permit; or
 - e. any exceedance of any effluent limitation in this permit.
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 recurrence 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, by phone, (206) 553-1213.
4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results. Reports on noncompliance occurrences endangering listed Snake River snail species shall be sent also to the U.S. Fish and Wildlife Service at Snake River Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709.

I. Other Noncompliance Reporting

Instances of a 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.H.2.

J. 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 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 authorized by 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; or negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under section 402 of this 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.** Any person who knowingly violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act; or knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under Section 402 of this 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, shall upon conviction, 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 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.H., 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 determines 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.H., 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. Pretreatment Program Requirements.

1. The permittee shall 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 Program, for the City of Twin Falls, Idaho, dated March 1984; any program amendments submitted thereafter and approved by EPA, and; the General Pretreatment Regulations (40 CFR 403) and any amendments thereafter. At a minimum, the following pretreatment implementation activities shall be undertaken by the permittee:
 - a. Enforce categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act, prohibitive discharge standards as set forth in 40 CFR 403.5 or local limitations developed by the permittee in accordance with 40 CFR 403.5 (c), whichever are more stringent or are applicable to

non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations shall be defined as pretreatment standards under Section 307(d) of the Act and shall not be limited to categorical industrial facilities.

- b. Implement and enforce the requirements of the most recent and effective 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 shall 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 waste acceptance (IWA) forms (industrial wastewater discharge permits) to at least all Significant Industrial Users (SIUs). These documents shall contain, at a minimum, conditions identified in 40 CFR 403.8 (f)(1)(iii). The permittee shall follow the methods described in its implementation procedures for issuance of individual IWAs (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. In accordance with 40 CFR 403.12 (o), the permittee shall retain all records relating to its pretreatment program activities for a minimum of three (3) years, and shall make such records available to the EPA upon request. The permittee shall 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 shall identify the agency responsible for the various implementation and enforcement activities to be performed in the contributing jurisdiction. In addition, the permittee may be required to develop a Memorandum of Understanding (Agreement) that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.
- g. Carry out inspections, surveillance, and monitoring on non-domestic users to determine compliance with applicable pretreatment standards and requirements. A thorough inspection of SIU(s) shall be conducted at least

6. Sampling - See Part I.D.
7. Reporting - See Part II.D.

IV. GENERAL REQUIREMENTS

A. Notice of New Introduction of Pollutants

The permittee shall provide adequate notice to the Director, Water Division 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

Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

1. Wastes which will create a fire or explosion hazard in the treatment works;
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 treatment works;
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 shall 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 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 State water pollution control agency and 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 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 Act.

V. SPECIAL CONDITIONS

A. Reporting Levels

1. For purposes of reporting, the permittee shall use the reporting threshold equivalent to the minimum level (ML). The ML is defined as the concentration in a sample equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed. As such, the permittee must utilize a standard equivalent to the concentration of the ML and method detection level (MDL) specified below:

<u>Parameter</u>	<u>ML</u>	<u>MDL</u>
total residual chlorine	0.03 mg/l	0.01 mg/l

2. For purposes of reporting on the DMR, all analytical values at or above the ML shall be reported as the measured value. When results cannot be quantified, values below the ML shall be reported as "0."

B. Reporting Details

In the "Comment" section of the DMR, the permittee shall report the MDL achieved, the ML achieved, and the number of times non-detectable results were reported as "0."