

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

**AUTHORIZATION TO DISCHARGE
AND DISPOSE BIOSOLIDS UNDER THE
NATIONAL POLLUTION 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”, the

**City of Cordova
Wastewater Treatment Plant**

is authorized to discharge from a facility located at **Cordova, Alaska** (latitude: 60° 32' 19" N; longitude: 145° 46' 56" W)

to receiving waters named **Orca Inlet**,

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

This permit shall become effective **December 10, 2001**

This permit and the authorization to discharge shall expire at midnight, **December 11, 2006**

Signed this 10th day of December, 2001,

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

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I. SPECIFIC LIMITATIONS AND REQUIREMENTS

A. Effluent Limitations and Monitoring Requirements

1. During the effective period of this permit, 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.
2. There shall be no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.
3. The discharge of chemicals in toxic amounts is prohibited pursuant to Section 101(a)(3) of the CWA and the Alaska water quality standards (18 AAC 70.020), which prohibits the discharge of toxic pollutants in toxic amounts.
4. Percent removal requirements for BOD₅ and TSS are as follows: for any month, the monthly average effluent concentration shall not exceed 15 percent (15%) of the monthly average influent concentration.

Percent removal of BOD₅ and TSS shall be reported on the following monthly 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. Influent and effluent samples shall be taken over approximately the same period.

5. The following effluent limits shall apply at all times:

Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Average Weekly	Maximum Daily	Minimum Daily	Sample Frequency	Sample Type
Outfall Flow	mgd	--	--	--	--	daily	recording
Biochemical Oxygen Demand (BOD ₅) ²	mg/L	30	45	60	--	weekly	24-hour composite
	lbs/day ³	175	263	350	--	--	--
Total Suspended Solids (TSS) ²	mg/L	30	45	60	--	weekly	24-hour composite
	lbs/day ³	175	263	350	--	--	--
Fecal Coliform Bacteria	# / 100ml	--	--	10,000 ⁴	--	weekly	grab
pH	s.u.	--	--	8.5	6.5	daily	grab

Table 1. Effluent Limitations and Monitoring Requirements ¹							
Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Average Weekly	Maximum Daily	Minimum Daily	Sample Frequency	Sample Type
Temperature	°C	--	--	--	--	daily	grab
Dissolved Oxygen	mg/l	--	--	17	6.0	daily	grab
Total Residual Chlorine	mg/l	--	--	0.2 ⁴	--	daily	grab
Total Ammonia as N	mg/l	--	--	--	--	monthly	24-hour composite

¹ Effluent samples shall be collected after the last treatment unit prior to discharge.
² see Part I.A.4 (above).
³ Effluent limits based on a design flow of 700,000 gallons per day (0.7 mgd).
⁴ Reporting is required within 24-hours if the maximum daily limit is violated.

B. Receiving Water Monitoring Requirements

1. Beginning on the effective date of this permit, the permittee shall conduct fecal coliform bacteria monitoring at the edge of the mixing zone of outfall 001. The mixing zone represents an area 3,200 meters by 200 meters centered around the diffuser. The area extends from the marine bottom to the surface of the water and is oriented with the tidal flow (ie. the axis formed by 29 degrees NNE and 209 degrees SSW). Monitoring for fecal coliform bacteria shall continue for a minimum of two years, and then may be discontinued after a written request from the permittee and written approval by the Alaska Department of Environmental Conservation if the results indicate that the discharge is not causing a violation of the state of Alaska water quality standards outside of the mixing zone.
2. The permittee shall conduct the following receiving water monitoring:

Table 2. Receiving Water Monitoring Requirements			
Effluent Parameter	Units	Sample Frequency	Sample Type
Fecal Coliform Bacteria	#/100 ml	see Permit Condition I.B.3.	grab
Total Ammonia as N	mg/l	*	grab
Temperature	°C	*	grab
pH	s.u.	*	grab
salinity	ppt ¹	*	grab

* 1 time/month during June, July, August and September. Once during December through March.
¹ parts per thousand

3. A minimum of four samples for fecal coliform bacteria analysis shall be collected at the outside edge of the mixing zone in the months of June, July, August and September and once during the time period December through March of each year

during the effective period of the permit. The monitoring may be decreased after two years if the results indicate that the quality of the discharge has not caused the State of Alaska Water Quality Standards to be exceeded outside of the mixing zone. The samples shall be collected from three down current sites and one up current site at the edge of the mixing zone. The sample collection shall take place during varying tidal stages for each sampling event.

4. Receiving water monitoring activities shall occur on the same day as effluent monitoring activities.
5. Monthly monitoring shall be reported with the DMR for the corresponding month. For quarterly monitoring, the calendar quarters are January through March, April through June, July through September and October through December. Quarterly monitoring shall be reported with the DMR for the last month in the quarter.

C. Sewage Sludge.

1. The permittee shall submit to EPA an updated sludge (biosolids) permit application within 60 days of the effective date of this permit.

D. Quality Assurance Requirements

1. The permittee must review, and if necessary, update its Quality Assurance Plan (QAP) within 60 days of the effective date of this permit.
2. At a minimum, the following information shall be provided in the QAP:
 - Sample location and frequency;
 - Sample handling procedures;
 - Parameters, test methods, and detection limits;
 - Number of QC samples, spikes and replicates required for analysis (for precision accuracy);
 - Documentation requirements for the laboratory (i.e., retention time, QA/QC procedures for test methods, etc.);
 - Organizational responsibilities - who is responsible for QA/QC activities (i.e., who takes samples, who reviews the data analysis, etc.); and
 - Name(s), address(es), and phone number(s) of laboratories used or proposed to be used by the permittee.
3. The permittee is responsible for reviewing and updating the QAP to ensure all material is still current and applicable.

4. The permittee shall amend the QAP whenever there is a modification in the sample collection, sample analysis, or conditions or requirements of the QAP change.
5. Copies of the QAP shall be kept on site and shall be made available to EPA and ADEC upon request.

E. Operation and Maintenance Plan Review

1. Within 60 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 plan must be reviewed annually thereafter. BMPs include measures which prevent or minimize the potential for the release of pollutants to Orca Inlet. The O&M plan shall be retained on site and made available to EPA and ADEC upon request.
2. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility. 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:
 - Spill prevention and control;
 - Optimization of chemical usage;
 - Preventive maintenance program;
 - Minimization of pollutant inputs from industrial users;
 - Research, develop and implement a public information and education program to control the introduction of household hazardous materials to the sewer system;
 - and
 - Water conservation.

F. Sanitary Sewer Overflow (SSOs)

1. The permittee must report all SSOs that may endanger health or the environment or pose a threat to human safety. Events can be reported orally or electronically as soon as practicable or within 24 hours after the time the permittee becomes aware of the overflow (whichever comes first). The SSO report must identify the location, estimated volume and receiving water, if any, of the overflow.
2. Within five days of the time the permittee becomes aware of the overflow a written report must be submitted to the permitting authority that contains the location of the overflow; the receiving water; an estimate of the volume of the overflow; a description of the sewer system component from which the release occurred (e.g. manhole, constructed overflow pipe, crack in pipe); the estimated date and time when

the overflow began and stopped or will be stopped; the cause or suspected cause of the overflow; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

3. The permittee shall maintain records of all SSOs that include the location of the SSO and the receiving water (if any); an estimate of the volume of the overflow; a description of the sewer system component from which the release occurred (e.g. manhole, constructed overflow pipe, crack in pipe); the estimated date and time when the overflow began and when it stopped; the cause or suspected cause of the overflow; and steps that have been and will be taken to prevent the overflow from recurring and a schedule for those steps. The permittee shall also maintain records of work orders from the previous 3 years which are associated with investigation of system problems related to SSOs; a list and description of complaints from customers or others from the previous 3 years; and documentation of performance and implementation measures describing the previous 3 years.

G. Design Criteria Requirement

1. The design criteria for the permitted facility are as follows:

Table 3. Design Criteria for Cordova WWTP		
Criteria	Value	Units
Design Flow	0.7	mgd
Average BOD ₅ Loading	700	lbs/day
Average SS Loading	800	lbs/day

2. Each month, the permittee shall compute an annual average value for flow, and BOD₅ and TSS loading entering the facility based on the previous twelve months data or all data available, whichever is less. These values shall be reported on the monthly DMR in the comments section.
3. When the average annual values exceed 85% of the design criteria values listed in Table 3, the permittee shall develop a facility plan and schedule within one year from the date of first exceedance. The plan must include the permittee’s strategy for continuing to maintain compliance with effluent limits and will be made available to the Director, ADEC, or EPA authorized representative upon request.

H. 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. “Biosolids” means any sludge or material derived from sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.
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. “Method detection limit (MDL)” is 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 (40 CFR 136).
8. “Minimum level (ML)” is the concentration at which the entire analytical system must 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 specified sample weights, volumes and processing steps have been followed.
9. “Pathogen” means an organism that is capable of producing an infection or disease in a susceptible host.
10. “Pollutant”, for the purposes of this permit, is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic

- organisms that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
11. "Sanitary Sewer Overflow (SSO) is a an overflow, spill, release, or diversion of wastewater from a sanitary sewer collection system designed to carry only sewage and prior to reaching the treatment plant.
 12. "Sewage sludge" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a Treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge or grit and screenings generated during preliminary treatment of domestic sewage in a Treatment Works. These must be disposed of in accordance with 40 CFR 258.
 13. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than eight 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*.
 14. "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 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 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
NPDES Compliance Unit
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

copy to:

Alaska Department of Environmental Conservation
Division of Air and Water Quality
555 Cordova Street
Anchorage, Alaska 99503

- 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 during the duration of activity at the permitted location.

G. **Twenty-four Hour Notice of Noncompliance Reporting**

1. The following occurrences of noncompliance shall be reported to EPA and ADEC by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part **III.G. Bypass of Treatment Facilities**),
 - b. Any upset which exceeds any effluent limitation in the permit (See Part **III.H. Upset Conditions**), or
 - c. Violation of a maximum daily discharge limitation for those toxic or hazardous pollutants identified within Table 1 of Part I.A.
2. A written submission shall also be provided to EPA and ADEC 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 re-occurrence 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 NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.

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; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application. The permittee shall give advance notice to the Director and ADEC 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 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 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, 303, 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.
- 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 waste waters 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 Part.

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 judgement 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 Part.

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

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 Part 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. Necessary upset demonstration conditions. 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

1. The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Act 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 REQUIREMENTS

A. Notice of New Introduction of Pollutants

1. The permittee shall provide adequate notice to the Director, Office of Water, and ADEC of:
 - a. 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

- b. 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.
 2. For the purposes of this Part, 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 treatment 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. Waste waters 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 (e.g., 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 403.
- D. Planned Changes. The permittee shall give notice to the Director and ADEC 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. Notice is also required when the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, including notification of additional use or disposal sites not reported during the permit application process.

- E. Anticipate Noncompliance. The permittee shall give advance notice to the Director and ADEC 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 re-issuance, 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 or ADEC, it shall promptly submit such facts or information.
- J. Signatory Requirements
 - 1. All applications, reports, or information submitted to the Director shall be signed and certified.
 - 2. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 - 3. 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).

4. Changes to authorization. If an authorization under paragraph IV.J.3 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.3. must be submitted to the Director prior to, or together with, any reports, information, or applications to be signed by an authorized representative.
5. Certification. Any person signing a document under this Part 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 or Reports. Except for data determined to be confidential under 40 CFR 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 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's 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.
- Q. Reopener Provision. 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 Parts 122.62, 122.63 or 122.64, and 40 CFR Part 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance and includes, but is not limited to, future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.