Permit No: AK-004785-6

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",

MUNICIPALITY OF ANCHORAGE,
ANCHORAGE WATER AND WASTEWATER UTILITY

is authorized to discharge from a wastewater treatment facility located in Girdwood, Alaska, to receiving waters named Glacier Creek, at latitude 60^{O} 56' 42" and longitude 149^{O} 09' 23", in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective **October 2, 2000**

This permit and the authorization to discharge shall expire at midnight,
October 3, 2005

Signed this **28th** day of **August, 2000.**

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

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Outfall 001 Effluent Limitations and Monitoring Requirements

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

Table 1: Limitations and Monitoring Requirements for Outfall 001

Parameter	Effluent Limitations			Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Sample Frequency	Sample Type
Five-day Biochemical Oxygen Demand (BOD_5)[1] mg/l lb/day Percent Removal	 30 150 See Part I.A.4	 45 225 ---	 60 300 ---	1/Week	24-hr Composite
Total Suspended Solids (TSS)[1] mg/l lb/day Percent Removal	 30 150 See Part I.A.4.	 45 225 ---	 60 300 ---	1/Week	24-hr Composite
Fecal Coliform, #/100 ml[2]	100[3]	---	200	1/Week	Grab
pH, standard units	---	---	See Part I.A.2.	5/week	Grab
Total Residual Chlorine, mg/l[2,4]	—	—	0.002	Continuous	Recording
Total Flow, mgd	0.6	---	2.6	Continuous	Recording
Copper[2,5] Fg/l lbs/day	 42 0.21	 — —	 57 0.29	Quarterly[6]	24-hr Composite

Table 1: Limitations and Monitoring Requirements for Outfall 001					
Total Ammonia, mg/l[7]	---	---	---	Monthly	24-hour Composite
Metals [7, 8]	---	---	---	Monthly	24-hour Composite

Footnotes:

1 The sample location shall be influent and effluent for these parameters. The permittee shall collect influent and effluent samples over the same 24 hour period.
2 Reporting is required within 24 hours of a limit violation. See Part II.G.
3 The geometric mean of all samples collected during the calender month shall not exceed 100 FC/100ml.
4 The analytical method for TRC analysis shall achieve a method detection limit (MDL) of 0.010 mg/l. The final effluent limit for total residual chlorine (TRC) is below detection limits using EPA approved analytical methods, therefore, EPA will use the minimum level (ML) of 0.100 mg/l as the compliance evaluation level for TRC. When the daily maximum concentration is below the ML, the permittee will be in compliance with the TRC limit.
5 Copper shall be analyzed and reported as total recoverable.
6 Results of analyses shall be reported with the discharge monitoring report (DMR) for the last month of the calendar quarter during which monitoring occurred (i.e., the March, June, September, and December DMRs).
7 Ammonia and metals monitoring is required during the fourth year of the permit only (12 sampling events).
8 The following metals must be analyzed and reported as total recoverable: arsenic, cadmium, chromium, lead, mercury, nickel, silver, and zinc.

2. The pH range shall be between 6.5 - 8.5 standard units.

3. 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.

4. 85% Removal Requirements for BOD_5 and TSS: For any month, the monthly average effluent concentration for BOD_5 and TSS shall not exceed 15 percent of the monthly average influent concentration.

   Percent removal of BOD_5 and TSS shall be reported on the Discharge Monitoring Reports (DMRs). 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. Ambient Monitoring

Samples shall be collected and analyzed for fecal coliform bacteria from a minimum of one downstream/down current location at the outer edge of the mixing zone, (or as close to it as is practical due to site and access limitations; see definition section for description of the mixing zone), at a frequency of once every month during the time period of May 1 through September 30, and twice during the period of November 1 through April 30. Monitoring shall be conducted for a two year period following the effective date of this permit. The monitoring may be discontinued after two years if the results indicate that the discharge has not caused the State of Alaska Water Quality Standards to be exceeded. The monitoring must be conducted again if the method of disinfection is changed and may also be discontinued after a two year period if the results indicate that the discharge has not caused the State of Alaska Water Quality Standards to be exceeded outside of the mixing zone.

C. Whole Effluent Toxicity Testing

The permittee shall conduct chronic toxicity tests on 24-hour composite effluent samples from outfall 001 in the fourth year after the effective date of the permit. Testing is required once during the fourth year and shall be conducted in accordance with subsections 1 through 3, below.

1. Test Species and Methods

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

b. Each test shall be a static-renewal test, conducted on three 24-hour composite samples of effluent (collected on days one, three, and five). In addition, a split of the first sample collected for each test shall be analyzed for the chemical and physical parameters required in Table 1 above (including ammonia). When the timing of sample collection coincides with that of the sampling required in Table 1, analysis of the split sample will fulfill the requirements of Table 1 as well.

c. The presence of 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.

d. Results shall be calculated in chronic toxic units (TU_c), where TU_c=100/NOEC. If in the calculation of an NOEC, two tested concentrations cause statistically significant effects but an intermediate concentration does not, the permittee must either repeat the test or use the lowest concentration to calculate the NOEC. The IC_{25} shall also be reported.

2. Quality Assurance

a. The toxicity testing on each organism shall include a series of five test dilutions and a control. The series shall include one dilution equal to 10 percent effluent, two dilutions above 10 percent, and two dilutions below 10 percent.

b. All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests shall be in accordance with *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, and individual test protocols.

c. In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures shall be followed:

i) To the extent practicable, control and dilution water should be receiving water. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. For purposes of this paragraph, “receiving water” means water collected from Glacier Creek upstream from the permittees' discharge. In no case shall water that has not met test acceptability criteria be used as dilution water.

ii) If organisms are not cultured in-house, concurrent testing with reference toxicants shall also be conducted. Where organisms are cultured in-house, quarterly reference toxicant testing is sufficient. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity tests (same test duration, etc).

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

3. Reporting

a. The permittee shall submit the full report for each toxicity test with the first discharge monitoring report (DMR) following completion of the tests.

b. Toxicity test results shall be reported in TU_c.

c. Test results for chronic tests shall include all relevant information in Section 10, Report Preparation, of *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.

d. The full report shall include:

i) chronic toxicity test results;
ii) dates of sample collection and initiation of each test;
iii) flow rate at the time of sample collection; and
iv) results of the monitoring required in Table 1 of the permit.

D. Quality Assurance Requirements

1. The permittee shall develop a Quality Assurance Plan (QAP) for all monitoring requirements identified in the permit. The plan shall be implemented within 120 days of the effective date of the permit.

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

a. Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.),

b. Sample preservation methods,

c. Sample shipment procedures,

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

e. Qualification and training of personnel, and

f. Analytical test methods that achieve the method detection limits adequate to accurately determine compliance with permit limits, including quality control checks, quantification/detection levels.

3. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and Guidance on *Quality Assurance Project Plans*, EPA QA/G-5.

4. The permittee shall 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 shall be kept on site and made available to EPA or ADEC upon request.

E. Operation and Maintenance Plan Requirements

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

2. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such

controls. The appropriateness and priorities of controls in the O & M Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:

a. Spill prevention and control;

b. Optimization of chemical use;

c. Preventive maintenance program

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

e. Water conservation.

F. Design Criteria Requirements

The design criterion for the permitted facility is an annual average flow of 0.6 mgd. Each month, the permittee shall compute an annual average value for flow entering the facility based on the previous twelve months data. If the average annual value exceeds 85% of the design criterion value, the permittee shall develop a facility plan and schedule within one year from the date of the first exceedence. The plan must include the permittees' strategy for continuing to maintain compliance with effluent limits and will be made available to the Director, ADEC, or an authorized representative upon request.

G. Shoreline Sign

A sign, or signs, shall be placed on the shoreline near the mixing zone (see definitions section for description of the mixing zone) and outfall line. The sign, or signs, should state that treated domestic wastewater is being discharged, the name and owner of the facility and the approximate location and size of the mixing zone. The sign, or signs, should inform the public that a mixing zone exists and that certain activities should not take place in the mixing zone. The sign shall also provide a facility telephone number for additional information.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Representative Sampling. The permittee shall collect all effluent samples 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 DMR form. 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.H. (Signatory Requirements) and submitted to the Director and ADEC at the following addresses:

original to: United States Environmental Protection Agency Region 10
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 monitor 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 and an explanation of why such additional monitoring was performed.

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

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 but not limited to all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this NPDES permit must be maintained on-site for 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 by telephone within 24 hours from the time the permittee become 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. Any violation of a maximum daily discharge limitation for any of the pollutants in Table 1 requiring 24-hour reporting.

2. A written submission shall also be provided within five days of the time that the permittee become 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 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 (Reporting of Monitoring Results) are submitted. The report shall contain the information listed in Part II.G.2 (Twenty-four Hour Notice of Noncompliance Reporting).

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 Clean Water 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. 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.

1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the CWA and the Federal Civil Penalties Inflation Adjustment

Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).

2. Criminal Penalties:

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

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

   c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the CWA.

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

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 (O & M) also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by 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 know in advance of the need for a bypass, they 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:

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

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

iii) 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 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 shall 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. 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 or notification requirements under 122.42(a)(1)).

K. 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.

IV. GENERAL PROVISIONS

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 CWA if it were directly discharging those pollutants; and

2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

3. For the purposes of this section, adequate notice 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. 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.

5. Heat in amount which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works exceeds 40EC (104EF) unless the EPA Administrator, upon request of the treatment works, approves alternate temperature limits.

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

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that may cause acute worker health and safety problems.

8. Any trucked or hauled pollutants, except at discharge points designated by 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. 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.

E. Duty to Reapply. If the permittee wish 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 must be submitted at least 180 days before the expiration date of this permit unless the Administrator grants permission to submit the application at a later date.

F. 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.

G. Other Information. When the permittee becomes aware that they failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, they shall promptly submit such facts or information.

H. 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.H.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.H.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."

I. 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 CWA, permit applications, permits and effluent data shall not be considered confidential.

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' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

K. 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 CWA.

L. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws for regulations.

M. 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.

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

1. The current permittee notify 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.

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

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

V. DEFINITIONS

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

2. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month. For pollutants other than fecal coliform bacteria, the average monthly discharge shall be calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For fecal coliform bacteria, the average monthly discharge shall be calculated as a geometric mean.

3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week. The average weekly discharge shall be calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. For fecal coliform bacteria, the average weekly discharge shall be calculated as a geometric mean.

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

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

6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

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

8. “DMR” means discharge monitoring report.

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

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

11. “Inhibition concentration, IC” means a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (the EPA Interpolation Method).

12. “mgd” means million gallons per day.

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

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

15. “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 weights, volumes and processing steps have been followed.

16. “Mixing Zone” for this discharge has a dilution of 10:1 and is defined as the area including the 90 meters for the diffuser discharge area and extending downstream from the downstream end of the diffuser area a distance of 600 meters, with a width of 2.7 meters. The diffuser is buried adjacent to the shoreline of Glacier Creek.

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

18. "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.

19. "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.

20. “Waste stream” means any non-de minimus stream of pollutants within the permittee' facility that enters any permitted outfall or navigable waters. This

includes spills and other unintentional, non-routine or unanticipated discharges.

21. 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*.