

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

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I. LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall specified herein to the Snake River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

A. Effluent Limitations and Monitoring Requirements for the Existing Treatment System (Lagoon System)

- The permittee must limit and monitor discharges from outfall 001 as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the table at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Table 1 - Outfall 001 Effluent Limitations and Monitoring Requirements for Lagoon Treatment System

PARAMETER	EFFLUENT LIMITATIONS				MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Instantaneous Maximum Limit	Sample Location	Sample Frequency	Sample Type
Flow	2.25 mgd	---	---	---	Effluent	Continuou s	Recording
Biochemical Oxygen Demand (BOD ₅)	30 mg/l	45 mg/l	---	---	Influent and Effluent	1/week	24-hour composite
	563 lbs/day	845 lbs/day	---	---			
Total Suspended Solids (TSS)	30 mg/l	45 mg/l	---	---	Influent and Effluent	3/week	24-hour composite
	563 lbs/day	845 lbs/day	---	---			
Total Suspended Solids ¹ February 1-May 31	70 mg/l	105 mg/l	---	---	Influent and Effluent	3/week	24-hour composite
	1314 lbs/day	1971 lbs/day	---	---			
Fecal Coliform Bacteria ²	---	200/100 ml	---	---	Effluent	5/week	grab
E. Coli Bacteria ^{2,3}	126/100 ml	---	---	406/100 ml	Effluent	5/month	grab

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Table 1 - Outfall 001 Effluent Limitations and Monitoring Requirements for Lagoon Treatment System

PARAMETER	EFFLUENT LIMITATIONS				MONITORING REQUIREMENTS			
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Instantaneous Maximum Limit	Sample Location	Sample Frequency	Sample Type	
Total Residual Chlorine June 1- September 30	0.5 mg/L 9.4 lbs/day	0.75 mg/L 14.1 lbs/day	— ---	— ---	Effluent	1/day	grab	
Total Residual Chlorine ^{3,4} October 1 - May 31	0.05 mg/L 0.9 lbs/day	--- —	0.22 mg/L 4.1 lbs/day	--- —				
Total Ammonia as N ³ June 1- September 30	43.1 mg/L 808.6 lbs/day	--- ---	65 mg/L 1219.3 lbs/day	--- ---	Effluent	1/week	24-hour composite	
Total Ammonia as N ³ October 1 - May 31	4.3 mg/L 80.4 lbs/day	--- ---	6.5 mg/L 121.2 lbs/day	--- ---				
pH, standard Units	see Part I.A.3				---	Effluent	2/day	grab
Total Phosphorus as P ⁵ , mg/l	39 lbs/day	78.4 lbs/day	---	—	Effluent	1/week	24-hour composite	

Footnotes:

1. This TSS limit will apply only from February 1 through May 31, if the facility diverts the effluent through its micro screens.
2. Fecal coliform bacteria must not exceed a geometric mean of 200 organisms per 100 ml based on no more than one week's data and 5 samples. E. coli bacteria must not exceed a geometric mean of 126 organisms per 100 ml based on a minimum of 5 samples taken every 3 to 5 days over a thirty day period.
3. Reporting is required within 24 hours of a maximum daily or instantaneous maximum limit violation. See Part III.G.
4. During the months from October through May the average monthly effluent limit for total residual chlorine is not quantifiable using EPA approved analytical methods. EPA will use 0.1 mg/L as the compliance evaluation level for this parameter.
5. The effluent must meet the total phosphorus limit no later than December 31, 2004. See Part I.E.

2. There must be no discharge of floating solids or visible foam, or oil and grease in other than trace amounts.
3. The pH of the effluent must not be less than 6.5 standard units nor greater than 9.0 standard units.

4. Removal Requirements for BOD₅ and TSS:
 - (a) The monthly average effluent concentration for BOD₅ must not exceed 15 percent of the monthly average influent concentration.
 - (b) During the period from June 1 through January 31, the monthly average effluent concentration for TSS must not exceed 15 percent of the monthly average influent concentration. During the period from February 1 through May 31, the monthly average effluent concentration for TSS must not exceed 35 percent of the monthly average influent concentration.
 - (c) Percent removal of BOD₅ and TSS must be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal must 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 must be taken over approximately the same time period.
5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. Method Detection Limits. For all effluent monitoring, the permittee must use methods that can achieve a method detection limit (MDL) less than the effluent limitation.
7. For purposes of reporting on the DMR, if a value is greater than the MDL, the permittee must report the actual value. If a value is less than the MDL, the permittee must report "less than {numeric MDL}" on the DMR. For purposes of calculating monthly averages, zero may be used for values less than the MDL.

B. Effluent Limitations and Monitoring Requirements for the New/Modified Wastewater Treatment Facility

1. The permittee must notify EPA and IDEQ, in writing, when a final design plan for

their wastewater treatment plant has been decided upon¹. The notification must describe, in detail, the treatment process that will be used.

2. No later than December 31, 2004, the permittee must limit and monitor discharges from outfall 001 as specified in Table 2, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the table at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

¹The permittee plans to upgrade their wastewater treatment facility. At the time of issuance of this permit the permittee did not know if a new wastewater treatment facility would be built or if the current lagoon system would be modified.

Table 2 - Outfall 001 Effluent Limitations and Monitoring Requirements for the New/Modified Wastewater Treatment Facility

PARAMETER	EFFLUENT LIMITATIONS				MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Instantaneous Maximum Limit	Sample Location	Sample Frequency	Sample Type
Flow, MGD	---	---	---	---	Effluent	Continuous	Recording
Biochemical Oxygen Demand (BOD ₅)	30 mg/l	45 mg/l	---	---	Influent and Effluent	1/week	24-hour composite
	1251 lbs/day	1876.5 lbs/day	---	---			
Total Suspended Solids (TSS)	30 mg/l	45 mg/l	---	---	Influent and Effluent	1/week	24-hour composite
	1251 lbs/day	1876.5 lbs/day	---	---			
Fecal Coliform Bacteria ²	---	200/100 ml	---	---	Effluent	5/week	grab
E. Coli Bacteria ^{1,2}	126/100 ml	---	---	406/100 ml	Effluent	5/month	grab
Total Residual Chlorine ² June 1 - September 30	0.5 mg/L	0.75 mg/L	---	---	Effluent	1/day	grab
	20.8 lbs/day	31.3 lbs/day	---	---			
Total Residual Chlorine ^{2,3} October 1 - May 31	0.04 mg/L	---	0.11 mg/L	---	Effluent	1/day	grab
	1.7 lbs/day	---	4.5 lbs/day	---			
Total Ammonia as N ² June 1 - September 30	17.8 mg/L	---	35.6 mg/L	---	Effluent	1/week	24-hour composite
	738.1 lbs/day	---	1484.9 lbs/day	---			
Total Ammonia as N ² October 1 - May 31	1.9 mg/L	---	3.8 mg/L	---	Effluent	1/week	24-hour composite
	79.2 lbs/day	---	158.5 lbs/day	---			
pH, standard Units	see Part II.B.3			---	Effluent	5/week	grab
Total Phosphorus, mg/l	39 lbs/day	78.4 lbs/day	---	---	Effluent	1/week	24-hour composite

Dissolved Oxygen, mg/L	---	---	---	---	Effluent	1/month	grab
Oil and Grease, mg/L	---	---	---	---	Effluent	1/month	grab
Temperature, °C	---	---	---	---	Effluent	1/week	grab
Cadmium, ⁴ µg/L	--	---	---		Effluent	1/month	24-hour composite

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Table 2 - Outfall 001 Effluent Limitations and Monitoring Requirements for the Mechanical Wastewater Treatment Facility

PARAMETER	EFFLUENT LIMITATIONS				MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Instantaneous Maximum Limit	Sample Location	Sample Frequency	Sample Type
Lead ⁴ , µg/L	---	---	---	---	Effluent	1/month	24-hour composite
Mercury ⁴ , µg/L	---	---	---	---	Effluent	1/month	24-hour composite
Cyanide ⁴ µg/L	---	---	---	---	Effluent	1/month	grab
Whole Effluent Toxicity ⁵	—	—	—	—	Effluent	once	24-hour composite

Footnotes:

1. Fecal coliform bacteria must not exceed a geometric mean of 200 organisms per 100 ml based on no more than one week's data and 5 samples. E. coli bacteria must not exceed a geometric mean of 126 organisms per 100 ml based on a minimum of 5 samples taken every 3 to 5 days over a thirty day period.
2. Reporting is required within 24 hours of a maximum daily or instantaneous maximum limit violation. See Part III.G
3. During the months from October through May the average monthly effluent limit for total residual chlorine is not quantifiable using EPA approved analytical methods. EPA will use 0.1 mg/L as the compliance evaluation level for this parameter.
4. Cadmium, and lead must be analyzed as total recoverable, mercury must be analyzed as total, and cyanide must be analyzed as weak acid dissociable.
5. The whole effluent toxicity test must be submitted with the permittee's next permit application, which is due 180 days prior to the expiration date of the permit.

2. There must be no discharge of floating solids or visible foam, or oil and grease in other than trace amounts.
3. The pH of the effluent must not be less than 6.5 standard units (s.u.) nor greater than 9.0 standard units (s.u.).
4. Removal Requirements for BOD₅ and TSS: The monthly average effluent concentration must not exceed 15 percent of the monthly average influent concentration.

Percent removal of BOD₅ and TSS must be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal must 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 must be taken over approximately the same time period.

5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. Method Detection Limits. For all effluent monitoring, the permittee must use methods that can achieve a method detection limit (MDL) less than the effluent limitation. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MDLs less than or equal to those specified in Table 3 (Part I.C.6.).
7. For purposes of reporting on the DMR, if a value is greater than the MDL, the permittee must report the actual value. If a value is less than the MDL, the permittee must report “less than {numeric MDL}” on the DMR. For purposes of calculating monthly averages, zero may be used for values less than the MDL.

C. Surface Water Monitoring. The permittee must conduct surface water monitoring starting 1 year after the effective date of the permit and continuing for 3 years. The program must meet the following requirements:

1. A monitoring station must be established in the Snake River at a location that is above the influence of the facility’s discharge, and below the influence of other NPDES permit discharges.

The monitoring station must be approved by the Idaho Department of Environmental Quality (IDEQ) and EPA.

2. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.
3. Surface water samples must be grab samples.
4. Cadmium, copper, lead, silver must be analyzed as dissolved. Mercury must be analyzed as total, and cyanide must be analyzed as weak acid dissociable.

6. Samples must be analyzed for the parameters listed in Table 3, and must achieve method detection limits (MDLs) that are equivalent to or less than those listed in the table. The permittee may request different MDLs. The request must be in writing and must be approved by EPA.

Table 3: Surface Water Monitoring Parameter, Location, and Method Detection Limit			
Parameter	Units	Upstream Sampling Frequency ¹	Method Detection Limit (MDL)
Total Ammonia as N	mg/L	1/month	-----
Temperature	°C	1/month	-----
pH	standard units	1/month	-----
Hardness as CaCO ₃	mg/L	1/quarter	-----
Oil and Grease	mg/L	1/quarter	-----
Cyanide, weak acid dissociable	µg/L	1/quarter	10.0 µg/L
Cadmium, dissolved	µg/L	1/quarter	0.5 - 1.0 µg/L
Copper, dissolved	µg/L	1/quarter	5 µg/L
Lead, dissolved	µg/L	1/quarter	3 µg/L
Mercury, total	µg/L	1/quarter	.01 - .005 µg/L
Silver, dissolved	µg/L	1/quarter	5 µg/L

1. Quarters are based on the calendar year (i.e., January-March, April-June, July-September, October-December).

7. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part I.D., "Quality Assurance Plan".
8. Surface water monitoring results must be submitted to EPA with the next permit

application, which is due 180 days prior to the expiration date of the permit. At a minimum, the report must include the following:

- a. Dates of sample collection and analyses.
- b. Results of sample analysis.
- c. Relevant quality assurance/quality control (QA/QC) information.

D. Quality Assurance Plan (QAP). The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The plan must be submitted to EPA for review within 60 days of the effective date of this permit and implemented within 120 days of the effective date of this permit. Any existing QAPs may be modified for submittal under this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format which is specified in these documents.

For metals analysis the following references may be helpful in preparing the Quality Assurance Plan for this permit:

- *U.S. Environmental Protection Agency, Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, 1995* (EPA-821-R-95-034), and
 - *U.S. Environmental Protection Agency, Sampling Ambient and Effluent Waters for Trace Metals* (EPA-821-V-97-001).
3. At a minimum, the QAP must include the following:
 - a. Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and

quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

- b. Map(s) indicating the location of each sampling point.
 - c. Qualification and training of personnel.
 - d. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
 5. Copies of the QAP must be kept on site and made available to EPA and IDEQ upon request.

E. Total Phosphorus Schedule of Compliance.

1. The permittee must achieve compliance with the total phosphorus limitations of Part I.A.1. (Table 1), by no later than December 31, 2004.
2. The permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the total phosphorus effluent limitations. The annual Report of Progress must be submitted by January 5th of each year. The first report is due January 5, 2003 and annually thereafter, until compliance with the total phosphorus effluent limits is achieved. See also Part III.J., "Compliance Schedules". At a minimum, the annual report must include:
 - a. An assessment of the previous year of total phosphorus data and comparison to the effluent limitations.
 - b. A report on progress made towards meeting the effluent limitations.
 - c. Further actions and milestones targeted for the upcoming year.

F. Operation and Maintenance Plan.

1. Within 180 days after the effective date of this permit, the permittee must review/develop and implement its operation and maintenance (O&M) plan and ensure that it includes appropriate best management practices (BMPs); the plan must be reviewed annually thereafter and updated as necessary. BMPs should include measures that prevent or minimize the potential for the release of pollutants to the Snake River. The O&M Plan must be retained on site and made available to EPA and IDEQ upon request.
2. The permittee must develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the O&M Plan must reflect identified potential sources of pollutants at the facility. The description of BMPs must 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.

II. PRETREATMENT REQUIREMENTS

- A. Implementation.** The permittee must implement its pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in its original approved pretreatment program submission entitled *Industrial Waste Pretreatment Program, City of Burley, Idaho* (August 30, 1984), any program amendments submitted thereafter and approved by EPA, and the General Pretreatment Regulations (40 CFR 403) and any amendments thereof. At a minimum, the permittee must carry out the following activities:

1. Enforce prohibitive discharge standards as set forth in 40 CFR 403.5(a) and (b), categorical pretreatment standards (where applicable), and local limitations developed by the permittee in accordance with 40 CFR 403.5(c), whichever are more stringent and are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations must be defined as pretreatment standards under Section 307(d) of the Act.
2. Implement and enforce the requirements of the most recent, EPA-approved, portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.
3. Update its inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee must notify these users of applicable pretreatment standards in accordance with 40 CFR 403.8(f)(2)(iii).
4. Issue, reissue, and modify, in a timely manner, industrial wastewater discharge permits to, at least, all Significant Industrial Users (SIUs) and categorical industrial users. These documents must contain, at a minimum, conditions identified in 40 CFR 403.8(f)(1)(iii). The permittee must follow the methods described in its implementation procedures for issuance of individual permits.
5. Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee must retain all records relating to its pretreatment program activities for a minimum of three years and must make such records available to EPA upon request. The permittee must also provide public access to information considered effluent data under 40 CFR 2.
6. Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by non-domestic users within these jurisdictions. These contracts or agreements must identify the agency responsible for the various implementation and enforcement activities in the contributing jurisdiction. In addition, the permittee may be required to develop a

Memorandum of Understanding that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.

7. Carry out inspections, surveillance, and monitoring of non-domestic users to determine compliance with applicable pretreatment standards and requirements. A complete inspection of all SIUs and sampling of all SIUs' effluent must be conducted at least annually.
8. Require SIUs to conduct wastewater sampling as specified in 40 CFR 403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater but no less than twice per year. Sample collection and analysis must be performed in accordance with 40 CFR 403.12 (b)(5)(ii) through (v) and 40 CFR 136. If the permittee elects to conduct all the non-domestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this paragraph.
9. Enforce and obtain remedies for any industrial user noncompliance with applicable pretreatment standards and requirements. This must include timely and appropriate reviews of industrial reports to identify all violations of the user's permit, the local ordinance, and federal pretreatment standards and requirements. Once violations have been uncovered, the permittee must take timely and appropriate action to address the noncompliance. The permittee's enforcement actions must follow its EPA-approved enforcement response procedures.
10. Publish, at least annually in the largest daily newspaper in the permittee's service area, a list of all non-domestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR 403.8 (f)(2)(vii).
11. Maintain adequate staff, funds and equipment to implement its pretreatment program.
12. Conduct an analysis annually to determine whether influent pollutant loadings are approaching the maximum allowable headworks loadings calculated in the permittee's most recent local limits calculations. Any local limits found to be inadequate by this analysis must be revised. The permittee may be required to revise existing local limits or develop new limits if deemed necessary by EPA.

- B. Spill Prevention.** The permittee must implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.
- C. Enforcement Requirement.** Whenever, on the basis of information provided to EPA, it is determined that any source contributes pollutants to the permittee's facility in violation of subsection (b), (c), or (d) of Section 307 of the Act, EPA will notify the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.
- D. Modification of the Pretreatment Program.** If the permittee elects to modify any components of its pretreatment program, it must comply with the requirements of 40 CFR 403.18. No substantial program modification, as defined in 40 CFR 403.18(b), may be implemented prior to receiving written authorization from EPA.
- E. Local Limits Evaluation.** At least six months before the expiration date of this permit, the permittee must submit to EPA a complete local limits evaluation. The study must take into account water quality in the receiving stream, inhibition levels for biological processes in the treatment plant, and sludge quality goals, if applicable. The study must address at least the following pollutants: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, and zinc, and any other pollutants of concern. Submitted results of the study must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions.

Local limits must be re-evaluated anytime the treatment process at the facility is significantly upgraded or modified. Results of the re-evaluation must be submitted 18 months after the plant upgrade/modification comes on-line.

- F. Control of Undesirable Pollutants.** The permittee must not allow introduction of the following pollutants into the publicly owned treatment works (POTW):
1. Pollutants which will create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using the test methods specified in 40 CFR 261.21;
 2. Pollutants which will cause corrosive structural damage to the POTW, but in no case,

discharges with a pH lower than 5.0, unless the POTW is designed to accommodate such discharges;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW (including sewers) resulting in interference;
4. Wastewater at a flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;
5. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
6. Heat in amounts which inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 °C (104° F) unless the Regional Administrator, upon request of the POTW, approves alternate temperature limits;
7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
9. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

G. Requirements for Industrial Users. The permittee must require any industrial user of its treatment works to comply with any applicable requirements in 40 CFR 403 through 471.

H. Sampling Requirements.

1. Parameters: The permittee must sample influent, and effluent from the POTW for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, and zinc. Metals must be analyzed and reported as total metals.
2. Frequency: Sampling must be conducted twice per year: once between June 1st and

August 31st and once between September 1st and May 31st, the two sampling events must be approximately 6 months apart.

3. **Sampling Locations and Sample Type:** The permittee must sample as described in Table 4.

Table 4: Pretreatment Monitoring - Sample Types and Frequency		
Wastestream	Sample Type	Frequency
Influent	24-hour Composite ¹	3 days within a week (Mon - Fri)
Effluent	24-hour Composite ¹	3 days within a week (Mon - Fri)
1. Influent and effluent samples for cyanide must be collected and analyzed as required in paragraph H.6.(Cyanide Sampling) of this part.		

4. **Analytical Methods:** For influent and effluent pretreatment sampling, the permittee must use EPA-approved analytical methods that achieve the method detection limits (MDLs) or minimum level (ML) in Table 5.

Table 5: Method Detection Limits	
Parameter	MDL/ML, µg/l
Arsenic	1.0
Cadmium	0.1
Chromium	1.0
Copper	1.0
Cyanide	5.0 ¹
Lead	1.0
Mercury	.005- .01
Nickel	1.0
Silver	0.2
Zinc	0.05

1. This is the only value that represents a minimum level (ML), rather than an MDL.

Requests for higher MDLs for pretreatment monitoring must be submitted in writing to the Pretreatment Coordinator at the address in paragraph I. (Pretreatment Report) of this part.

5. Reporting Results: Analytical results for each day's samples must be reported separately. Sample results must be submitted with the pretreatment annual report required in paragraph I (Pretreatment Report) of this part.
6. Cyanide sampling: Influent and effluent sampling for cyanide must be conducted as follows. Eight discrete grab samples must be collected over a 24-hour day. Each grab sample must be at least 100 ml. Each sample must be checked for the presence of chlorine and/or sulfides prior to preserving and compositing (refer to *Standard Methods*, 4500-CN B). If chlorine and/or sulfides are detected, the sample must be treated to remove any trace of these parameters. After testing and treating for the interference compounds, the pH of each sample must be adjusted, using sodium hydroxide, to 12.0 standard units. Each sample can then be composited into a larger container which has been chilled to 4 degrees Celsius, to allow for one analysis for the day.
7. If, during the permit period, the permittee modifies its treatment or sludge handling process so that sludge will need to be disposed of, sludge sampling will be required, as follows:
 - a. Sludge Sampling: Twice per year, during the time frame when influent and effluent sampling is being conducted, one grab sample of sludge must be taken as the sludge leaves the dewatering device or digesters before it mixes with sludge of different ages.
 - b. Sludge Analysis: Sludge samples must be analyzed for the same pollutants as the influent and effluent samples; however, SW846 methods must be used instead of the water methods.
 - c. Sludge Reporting: Metals concentrations in sludge must be reported in mg/kg,

dry weight; percent solids must also be reported.

I. Pretreatment Report.

1. The permittee must submit an annual report that describes the permittee's program activities over the January 1 - December 31 report year. This report must be submitted to the following address no later than January 15th of each year:

Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, OW-130
Seattle, WA 98101

2. The pretreatment report must be compiled following the *Region 10 Annual Report Guidance*. At a minimum, the report must include:
 - a. An updated non-domestic user inventory, including those facilities that are no longer discharging (with explanation), and new dischargers, appropriately categorized and characterized. Categorical users should have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard.
 - b. Results of wastewater sampling at the POTW as specified in Part II.H (above).
 - c. Calculations of removal rates for each pollutant for each day of sampling.
 - d. An analysis and discussion of whether the existing local limitations in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or sludge quality. This should include a comparison between influent loadings and the most recent relevant maximum allowable headworks loadings calculated for the treatment plant.
 - e. Status of program implementation, including:
 - 1) Any planned modifications to the pretreatment program, including staffing and funding updates.

- 2) A description of any interference, upset, or NPDES permit violations experienced at the POTW which were directly or indirectly attributable to non-domestic users, including:
 - (a) Date & time of the incident
 - (b) Description of the effect on the POTW's operation
 - (c) Effects on the POTW's effluent and biosolids quality
 - (d) Identification of suspected or known sources of the discharge causing the upset
 - (e) Steps taken to remedy the situation and to prevent recurrence
 - 3) Listing of non-domestic users inspected and/or monitored during the report year with dates and an of indication compliance status.
 - 4) Listing of non-domestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.
 - 5) Listing of non-domestic users whose permits have been issued, reissued, or modified during the report year along with current permit expiration dates.
 - 6) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards during the report year as required in 40 CFR 403.8(f)(2)(iii).
 - 7) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.
- f. Status of enforcement activities including:
- 1) Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, including:
 - (a) Summary of the violation(s).
 - (b) Enforcement action taken or planned by the permittee.

- (c) Present compliance status as of the date of preparation of the pretreatment report.
- 2) Listing of those users in significant noncompliance during the report year as defined in 40 CFR 403.8(f)(2)(vii) and a copy of the newspaper publication of those users' names.

EPA may require more frequent reporting on those users who are determined to be in significant noncompliance.

III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling (Routine and Non-Routine Discharges).** Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.A. or Part I.B, whichever is applicable, of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph III.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D ("Additional Monitoring by Permittee").

- B. Reporting of Monitoring Results.** The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. The permittee must submit reports monthly, postmarked by the 10th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Water, with copies to IDEQ at the following addresses:

original to: United States Environmental Protection Agency (EPA) Region 10
1200 Sixth Avenue, OW-133

copy to: Seattle, Washington 98101
Idaho Department of Environmental Quality (IDEQ)
Twin Falls Regional Office
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301

- C. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR 136 or, in the case of sludge use or disposal, approved under 40 CFR 503, unless other test procedures have been specified in this permit.
- D. Additional Monitoring by Permittee.** If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR 503, or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR or sludge reporting forms specified by the Director.

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

- E. Records Contents.** Records of monitoring information must include:
1. the date, exact place, and time of sampling or measurements;
 2. the name(s) of the individual(s) who performed the sampling or measurements;
 3. the date(s) analyses were performed;
 4. the names of 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.** Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee must 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, copies of DMRs, a copy of the NPDES permit, 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 or IDEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., "Bypass of Treatment Facilities");
 - c. any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions");
 - d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Table 1 of Part I.A. or Table 2 of I.B.
 - e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1, above. The written submission must 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;
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
 - e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

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 Hotline in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports must be submitted to the addresses in Part III.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting. The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. Notice of New Introduction of Pollutants. The permittee must provide notice to the Director and IDEQ of:

1. Any new introduction of pollutants into the POTW 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 POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
 - a. The quality and quantity of effluent to be introduced into the POTW, and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

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

IV. 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.

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) 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) (currently \$27,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) 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) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) 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) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).
3. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued

under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 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 of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any

record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.
- D. Duty to Mitigate.** The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance.** The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance 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 the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Bypass of Treatment Facilities.**
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that 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 must submit prior notice, to the Director and IDEQ if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").

3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director may take enforcement action against the 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 that occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii) 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 determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. 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 permittee meets the requirements of paragraph 2 of this Part. 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. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;

- b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and
 - d. The permittee complied with any remedial measures required under Part IV.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.

H. Toxic Pollutants. 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.

I. Planned Changes. The permittee must give notice to the Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

J. Anticipated Noncompliance. The permittee must give advance notice to the Director and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. GENERAL PROVISIONS

- A. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. Duty to Reapply.** If the permittee intends 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. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the permittee must submit a new application at least 180 days before the expiration date of this permit.
- C. Duty to Provide Information.** The permittee must furnish to the Director and IDEQ, within the time specified in the request, any information that the Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to the Director or IDEQ, upon request, copies of records required to be kept by this permit.
- D. Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, it must promptly submit such facts or information.
- E. Signatory Requirements.** All applications, reports or information submitted to the Director and IDEQ must be signed and certified as follows.
1. All permit applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director or IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director and IDEQ.
3. Changes to authorization. If an authorization under Part V.E.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 Part V.E.2. must be submitted to the Director and IDEQ 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 Part must make the following certification:

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

- F. Availability of Reports.** In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry. The permittee must allow the Director, IDEQ, 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.

H. 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 persons or property or invasion of other private rights, nor any infringement of state or local laws or regulations.

I. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. 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.

K. Reopener. This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

VI. DEFINITIONS

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "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.
4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
5. "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.
6. "Director" means the Director of the Office of Water, EPA, or an authorized representative.
7. "DMR" means discharge monitoring report.
8. "EPA" means the United States Environmental Protection Agency.
9. "Geometric mean" of "n" quantities is the "nth" root of the product of the quantities. For example the geometric mean of 100, 200 and 300 is $(100 \times 200 \times 300)^{1/3} = 181.7$
10. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
11. "IDEQ" means the Idaho Department of Environmental Quality.

12. “Instantaneous Maximum Limit” means the maximum allowable concentration of a pollutant determined from the analysis of any discrete sample collected, independent of the flow rate and the duration of the sampling event.
13. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
14. “Method Detection Limit (MDL)” means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
15. “Minimum Level (ML)” means the concentration at which the entire analytical system must give a recognizable signal and an 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.
16. “POTW” means publicly owned treatment works.
17. “QA/QC” means quality assurance/quality control.
18. “Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
19. “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.
20. “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.
21. “24-hour composite” sample means a combination of at least 3 discrete samples

collected at equal time intervals from the same location, over a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.