

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

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

University of Idaho
Aquaculture Research Laboratory

is authorized to discharge from a facility located at **Moscow, Idaho** (latitude: 46° 43' 52"; longitude: 117° 02' 02")

to receiving waters named **Paradise Creek**,

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

This permit shall become effective April 14, 1999.

This permit and the authorization to discharge shall expire at midnight, April 14, 2004.

Signed this 12th day of March, 1999.

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

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I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations

1. During the effective period of this permit, the permittee is authorized to discharge from outfall 001, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. There shall be no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.
3. The discharge of any drugs, chemicals, or medications in toxic amounts is prohibited pursuant to Section 101(a)(3) of the Act and the Idaho water quality standards (IDAPA 16.01.02.200.02), which prohibits the discharge of toxic pollutants in toxic amounts.

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

Table 1 - Effluent Limitations				
EFFLUENT PARAMETER	UNIT OF MEASUREMENT	MONTHLY AVERAGE	MAXIMUM DAILY	MINIMUM DAILY
Dissolved Oxygen	mg/L	---	---	8.0
Formaldehyde ¹	mg/L	1.9	2.0	---
	lbs/day	4.2	3.7	---
Fecal Coliform ²	#/100 mL	100	---	---
Total Residual Chlorine ³	mg/L	0.009	0.018	---
	lbs/day	0.015	0.030	---
Ammonia (Apr 1 - Oct 31)	mg/L	1.7	2.5	---
	lbs/day	2.8	4.2	---
Ammonia (Nov 1 - Mar 31)	mg/L	2.9	4.3	---
	lbs/day	4.8	7.2	---
pH	s.u.	---	8.5	6.5
Temperature	°C	---	18	---
Total Phosphorus ⁴	mg/L	0.136	0.235	---
	lbs/day	0.23	0.39	---
Total Suspended Solids	mg/L	15	27	---
	lbs/day	25	37	---
1. "No discharge" shall be reported on the DMR when formaldehyde is not added to the process by the facility. 2. Based on a geometric mean of all samples taken in that month. 3. Shall be below detectable limits prior to discharge based upon the DPD method. Final compliance evaluation limit is 0.02 mg/L. 4. Phosphorus limit is applicable from May 15 through October 15.				

B. Effluent Monitoring Requirements

1. During the period beginning on the effective date of this permit the following monitoring requirements shall apply:

Table 2 - Effluent Monitoring Requirements		
EFFLUENT PARAMETER	SAMPLE FREQUENCY	SAMPLE TYPE
Dissolved Oxygen	1/month	grab
Formaldehyde ¹	1/week	24-hour composite
Fecal Coliform Bacteria	1/month	grab
Total Residual Chlorine ¹	1/week	grab
Total Ammonia as N	1/quarter	24-hour composite
pH	2/month	grab
Temperature	1/week	grab ³
Total Phosphorus as P ²	2/month	24-hour composite
Total Suspended Solids	1/quarter	24-hour composite
BOD ₅	1/quarter	24-hour composite
Flow	1/week	grab ³
Nitrate as N	1/quarter	24-hour composite
1. Required only when added to process. 2. Phosphorus monitoring is applicable from May 15 through October 15. 3. Sample must be taken during the hottest part of the day.		

2. Effluent samples shall be collected after the last treatment unit prior to discharge to Paradise Creek. The permittee is allowed to sample at the discharge sump as an alternate monitoring location.
3. Monitoring activities shall occur on the same day that the Moscow Wastewater Treatment Plant conducts their monitoring, to the extent practicable.

C. Quality Assurance Requirements

1. Within 180 days of the effective date of this permit, the permittee shall submit an updated Quality Assurance Project Plan (QAPP). The current QAPP is to be reviewed and updated to ensure all material is still current and applicable.
2. The document *Guidance for Preparation of Quality Assurance Project Plans*, EPA, Region 10, Quality and Data Management Program, QA/G-5,

can be used as a helpful reference guide in preparing the updated QAPP. This document is available as an Adobe Acrobat file at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>.

3. The permittee shall amend the QAPP whenever there is a modification in the sample collection, sample analysis, or conditions or requirements of the QAPP change.
4. The name(s), address(es), and telephone number(s) of the laboratories, used by or proposed to be used by the permittee, shall be specified in the QAPP.
5. Copies of the QAPP shall be kept on site and shall be made available to EPA and IDEQ upon request.
6. The permittee shall require the laboratory director of each laboratory providing measurement results in support of this permit to sign and submit to EPA the following statement on a monthly basis with the DMR:

I certify that this data is in compliance with requirements under 40 CFR 136 and other analytical requirements specified in NPDES permit No. ID-002715-4.

Signature: _____ ***Date:*** _____

Name of Certifying Laboratory: _____

Identification Number: _____

D. Toxicity Testing Requirements

1. The permittee shall conduct two chronic toxicity testing on 24-hour composite effluent samples. The first test will be conducted in May 1999 and the second test will be conducted in May 2000.
2. The permittee shall conduct tests with the fathead minnow, *Pimephales promelas* (larval survival and growth test).
3. The presence of chronic toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.

4. The permittee may also determine compliance with acute fathead minnow test based on the mortality data from the chronic test data.
5. Results shall be reported in chronic toxic units (TU_c), where $TU_c = 100/NOEC$. The no observed effect concentration (NOEC) is the highest concentration of toxicant to which organisms are exposed in a chronic test, that causes no observable adverse effect on the test organisms (e.g., the highest concentration of toxicant to which the values for the observed responses are not statistically significant different from controls.)
6. A control and the following series of dilutions shall be tested: 12.5, 25, 50, 75, and 100 percent effluent.
7. If organisms are not cultured in-house, concurrent testing with a reference toxicant shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient.
8. If either the reference toxicant tests or the effluent tests do not meet all test acceptability criteria (TAC) as specified in the test methods manual, then the permittee must re-sample and re-test as soon as possible.
9. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity test (i.e., same test duration, etc.).
10. Control and dilution water should be laboratory water specified in the WET methods. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. In no case shall water that has failed TAC be used for control or dilution water.
11. Chemical testing for the parameters for which effluent limitations exist shall be performed on a split of each sample collected for whole effluent toxicity (WET) testing. To the extent that the timing of sample collection coincides with that of the sampling required in Part I.B. of this permit, chemical analysis of the split sample will fulfill the requirements of that Part as well.
12. The full report shall be submitted with the June DMR for the year in which the tests are performed.
13. The full report shall consist of the following:
 - a. Toxicity test results in TU_cs,

- b. Dates of sample collection and initiation of each toxicity test,
 - c. Flow rate at the time of sample collection, and
 - d. Result of the effluent analyses for chemical/physical parameters required for the outfall as defined in Part I.B. of the permit.
14. The results for chronic tests shall be reported according to the chronic manual chapter on Report Preparation, and shall be attached to the DMR. Where possible, the results shall also be submitted on electronic disk in the TSERF format.

E. Definitions

- 1. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- 2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
- 4. “Daily discharge” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
- 5. A “Grab” sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
- 6. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
- 7. “Method detection limit (MDL)” is the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method (40 CFR 136).

8. “Minimum level (ML)” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes and processing steps have been followed.
10. A “24-hour composite” sample shall mean a mixture of not less than four discrete aliquots taken every two hours during a 24-hour period. 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*.
11. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

B. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit. In determining compliance with the final effluent limit for total residual chlorine of Table 1, an analytical method detection limit of 0.010 mg/L shall be achieved.

C. Reporting of Monitoring Results

Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly

and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of **Part IV.J. Signatory Requirements**, and submitted to the Director, Office of Water and the State agency at the following addresses:

original to: United States Environmental Protection Agency (EPA)
Region 10
PCS Coordinator
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

copy to: Idaho Division of Environmental Quality
Lewiston Regional Office
1118 F. Street
Lewiston, Idaho 83501

D. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

E. Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements,
2. The individual(s) who performed the sampling or measurements,
3. The date(s) analyses were performed,
4. The individual(s) who performed the analyses,
5. The analytical techniques or methods used, and
6. The results of such analyses.

F. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of DMRs, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment,
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part **III.G. Bypass of Treatment Facilities**),
 - c. Any upset which exceeds any effluent limitation in the permit (See Part **III.H. Upset Conditions**), or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause,
 - b. The period of noncompliance, including exact dates and times,
 - c. The estimated time noncompliance is expected to continue if it has not been corrected, and
 - d. Steps taken or planned to reduce, eliminate, and prevent re-occurrence of the noncompliance.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
4. Reports shall be submitted to the addresses in Part **II.C. Reporting of Monitoring Results**.

H. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.

I. Inspection and Entry

The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit,
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit,
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

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 (Part I), shall be submitted no later than 10 days following each schedule date.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for: enforcement action; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts specified in Sections 309(d) and 309(g) of the Act.
2. Criminal Penalties:
 - a. Negligent Violations. Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.
 - b. Knowing Violations. Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
 - c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act .
 - d. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon

conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize, or prevent, any discharge, or sludge use or disposal, in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed, or used, by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Notice.

- a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass.
- b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under Part **II.G. Twenty-four Hour Notice of Noncompliance Reporting**.

3. Prohibition of Bypass.

- a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determined that it will meet the three conditions listed above in paragraph 3.a. of this 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.

IV. GENERAL REQUIREMENTS

A. Notice of New Introduction of Pollutants

1. The permittee shall provide adequate notice to the Director, Office of Water, of:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to sections 301 or 306 of the Act if it were directly discharging those pollutants, and
 - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
2. For the purposes of this 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 treatment works is designed to accommodate such wastes,
3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works,
4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency, and
5. Any pollutant, including oxygen demanding pollutants (e.g., BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.

C. Requirements for Industrial Users

The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR 403.

D. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

E. Anticipate Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

F. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

G. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

H. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

I. Other Information

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

J. Signatory Requirements

1. All applications, reports, or information submitted to the Director shall be signed and certified.
2. All permit applications shall be signed by either a principal executive officer or ranking elected official.

3. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
4. Changes to authorization. If an authorization under paragraph IV.J.3 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.3. must be submitted to the Director prior to, or together with, any reports, information, or applications to be signed by an authorized representative.
5. Certification. Any person signing a document under this section shall make the following certification:

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

K. Availability or Reports

Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

L. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

M. Property Rights

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

N. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

O. Transfers

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

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date,
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

P. State Laws

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

Q. Re-opener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations (and compliance schedule, if necessary), management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in sludge use or disposal practices; applicable management practices or numerical limitations for pollutants in sludge have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the permittee's sludge use or land application practices do not comply with existing applicable state or federal regulations.