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

Authorization to Discharge under the National Pollutant Discharge Elimination System

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

Bennett Lumber Products, Inc.
3759 Highway 6
P.O. Box 49
Princeton, Idaho 83857

is authorized to discharge from a sawmill located in Princeton, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Palouse River	46° 55' 01"	116° 46' 46"
002	Palouse River	46° 55' 02"	116° 46' 13"
003	Palouse River	46° 55' 02"	116° 46' 13"
005	Palouse River	46° 55' 02"	116° 46' 13"

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

This permit shall become effective January 1, 2007.

This permit and the authorization to discharge shall expire at midnight, December 31, 2011.

The permittee shall reapply for a permit reissuance on or before July 4, 2011, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 31st day of October, 2006.

/s/ Christine Psyk for _____
Michael F. Gearheard, Director
Office of Water and Watersheds

Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due quarterly and must be postmarked on or before the 10th day of the month following the last month of each quarter. Quarters are defined as January through March, April through June, July through September, and October through December, therefore, DMRs are due on April 10th, July 10th, October 10th, and January 10th. (See III.B.)
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented by June 30, 2007 (see I.C.). The Plan must be kept on site and made available to EPA and IDEQ upon request.
3. Best Management Practices (BMP) Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented by June 30, 2007 (see II.C.). The Plan must be kept on site and made available to EPA and IDEQ upon request.
4. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B.).
5. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See III.G. and Part I.B.7.)

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I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from outfalls 001, 002, 003 and 005 to the Palouse 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.

B. Effluent Limitations and Monitoring

1. The permittee must limit and monitor discharges from outfalls 001, 002, 003 and 005 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 tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
2. The permittee must not discharge process wastewater pollutants to waters of the United States from any outfall. The term "process wastewater" does not mean non-contact cooling water, storm water, boiler blowdown, kiln condensate, wastewater resulting from drinking water filtration, fire control water, or any other water that does not fit the definition of "process wastewater" in 40 CFR 122.2.
3. The permittee must not discharge pollutants from the fire protection pond to waters of the United States.
4. The permittee must not discharge pollutants from outfall 002 to waters of the United States on any calendar day when log deck sprinkling occurs.
5. The permittee must not discharge, from any outfall, floating, suspended, or submerged matter of any kind in amounts causing nuisance or objectionable conditions or that may impair designated beneficial uses of the Palouse River.
6. The permittee must not discharge any debris that will not pass through a 1-inch round opening from outfalls 001 or 002.
7. The permittee must report within 24 hours any violation of the maximum daily limit for oil and grease (outfalls 001 and 003, see also III.G.). Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B. and III.H.).
8. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
9. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. For parameters that do not have effluent limitations, the permittee may use any EPA-approved analytical method (see Part III.C. and 40 CFR Part 136).

Table 1: Effluent Limitations and Monitoring Requirements for Outfalls 001, 002, 003, and 005

Parameter	Units	Effluent Limits		Monitoring Requirements	
		Average Monthly Limit	Maximum Daily Limit	Sample Frequency[1,2]	Sample Type
Outfall 001					
Flow	gpd	Report	64,500	monthly when discharging	measure
Temperature	°C	Report	27	monthly when discharging	grab
Total Suspended Solids (TSS)	mg/L	Report	Report	monthly when discharging	grab
	lb/day	Report	39		calc.
Turbidity	NTU	Report	Report	2/year	grab
5-day Biochemical Oxygen Demand (BOD_5)	mg/L	Report	Report	2/year	grab
pH (November – April)	standard units (s.u)	6.0 to 9.0 at all times		monthly when discharging	grab
pH (May – October)	s.u.	6.1 to 9.0 at all times		monthly when discharging	grab
Zinc	µg/L	Report	Report	2/year	grab
Total Ammonia as N	mg/L	Report	Report	2/year	grab
Hardness	mg/L as $CaCO_3$	Report	Report	2/year	grab
Alkalinity	mg/L as $CaCO_3$	Report	Report	2/year	grab
Oil and Grease	visual	—	No Visible Sheen	weekly when discharging	visual
Oil and Grease	mg/L	Report	Report	2/year	grab
Floating Solids or Visible Foam	visual	See I.B.5.		weekly when discharging	visual
Debris, Floating	visual	See I.B.6.		weekly when discharging	visual
Outfall 002					
Flow	gpd	Report	Report	monthly when discharging	measure
TSS	mg/L	Report	Report	monthly when discharging	grab
COD	mg/L	Report	Report	monthly when discharging	grab
pH	s.u.	6.0 to 9.0 at all times		monthly when discharging	grab
Zinc	µg/L	Report	Report	2/year	grab
Hardness	mg/L as $CaCO_3$	Report	Report	2/year	grab
Total Residual Chlorine	µg/L	Report	Report	2/year	grab
Floating Solids or Visible Foam	visual	See I.B.5.		monthly when discharging	visual
Debris, Floating	visual	See I.B.6.		monthly when discharging	visual
Outfall 003					
Flow	gpd	Report	Report	monthly when discharging	estimate
TSS	mg/L	Report	Report	2/year	grab
COD	mg/L	Report	Report	2/year	grab
pH	s.u.	Report minimum and maximum		monthly when discharging	grab
Zinc	µg/L	Report	Report	2/year	grab
Hardness	mg/L as $CaCO_3$	Report	Report	2/year	grab
Floating Solids or Visible Foam	visual	See I.B.5.		monthly when discharging	visual
Oil and Grease	visual	—	No Visible Sheen	monthly when discharging	visual

Table 1: Effluent Limitations and Monitoring Requirements for Outfalls 001, 002, 003, and 005

Parameter	Units	Effluent Limits		Monitoring Requirements	
		Average Monthly Limit	Maximum Daily Limit	Sample Frequency[1,2]	Sample Type
Oil and Grease	mg/L	Report	Report	2/year	grab
Outfall 005					
Flow	gpd	Report	Report	monthly when discharging	estimate
TSS	mg/L	Report	Report	2/year	grab
COD	mg/L	Report	Report	2/year	grab
pH	s.u.	Report minimum and maximum		monthly when discharging	grab
Zinc	µg/L	Report	Report	2/year	grab
Hardness	mg/L as $CaCO_3$	Report	Report	2/year	grab
Floating Solids or Visible Foam	visual	See I.B.5.		monthly when discharging	visual

Notes:
1. "Monthly when discharging" means that the permittee must sample at least once during every calendar month in which a discharge occurs from the applicable outfall.
2. "Weekly when discharging" means that the permittee must sample at least once during every calendar week in which a discharge occurs from the applicable outfall.

II. Special Conditions

A. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented by June 30, 2007. Any existing QAPs may be modified for compliance with 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 EPA-approved 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 that is specified in these documents.
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/or IDEQ upon request.

B. Hazardous Substances or Oil

The permittee must prevent or minimize the discharge of diesel fuel, jet fuel, gasoline, oil or other hazardous substances from the mill in accordance with the Best Management Practices Plan for the mill (see II.C.).

C. Best Management Practices Plan

The permittee must develop and implement a Best Management Practices (BMP) Plan for the facility. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented by June 30, 2007. Any existing BMP or Storm Water Pollution Prevention Plans may be modified for compliance with this section. The Plan must be kept on site and made available to EPA and/or IDEQ upon request.

1. The BMP Plan must:

a) Be prepared in accordance with good engineering practices;

b) Identify potential sources of pollution which may reasonably be expected to affect the quality of discharges from the facility;

c) Describe and ensure implementation of practices which the permittee will use to reduce the pollutants in discharges from the facility; and

d) Assure compliance with the terms and conditions of this permit.

2. Contents of the BMP Plan:

a) BMP Committee: The permittee must identify the staff individual(s) (by name or title) that comprise the facility's BMP Committee. The Committee is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility's BMP Plan. Responsibilities of each staff individual on the team must be listed.

b) Site Description: The BMP Plan must include the following:

(i) General Location Map. A general location with enough detail to identify the location of the facility and the receiving waters within one mile of the facility;

(ii) A legible site map identifying the following:

(a) Directions of storm water flow (e.g, use arrows to show which ways storm water will flow);

(b) Directions of non-storm water flow.

(c) Locations of all existing structural BMPs;

(d) Locations of all surface water bodies;

(e) Locations of potential pollutant sources identified under II.C.2.c. and II.C.2.d. and where significant materials are exposed to precipitation;

(f) Locations where major spills or leaks identified under II.C.2.e. have occurred;

(g) Locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, and liquid storage tanks;

(h) Locations of storm water outfalls, storm drain inlets, and an approximate outline of the area draining to each outfall;

(i) Location and description of non-storm water discharges;

(j) Locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access and haul roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery;

(k) Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the storm water running onto the facility impacts the storm water discharges may be included).

(l) Locations where any of the following may be exposed to precipitation/surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

c) Summary of Potential Storm Water Pollutant Sources. The permittee must identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:

(i) A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

(ii) A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water beginning three years before the effective date of this permit.

d) Summary of Non-Storm Water Pollutant Sources. The permittee must identify each pollutant source at the facility other than storm water, including, but not limited to, boiler blowdown, kiln condensate, and drinking water filtration.

e) Spills and Leaks. The permittee must clearly identify areas where potential spills and leaks, which can contribute pollutants to storm water or other discharges, can occur, and their accompanying drainage points. For areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility to be covered under this permit, the permittee must provide a list of significant spills and leaks of toxic or hazardous pollutants that occurred during the three (3) year period prior to the effective date of this permit. The list must be updated if significant spills or leaks occur in exposed areas of the facility while this permit remains in force. Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Sec. 311 (see 40 CFR 110.10 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements. Compliance with this permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of hazardous substances.

f) Sampling Data. The permittee must provide a summary of existing discharge sampling data taken at the facility. All sampling data collected while this permit is in force must also be summarized and included in this part of the BMP Plan.

g) Storm Water Controls

(i) Description of Existing and Planned BMPs. Describe the type and location of existing nonstructural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. All the areas identified in Part II.C.2.c. should have BMPs identified for the area's discharges. For areas where BMPs are not currently in place, describe appropriate BMPs that the permittee will use to control pollutants in storm water discharges. Selection of BMPs should take into consideration:

(a) The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;

(b) Opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams--e.g., bank erosion, impairment of aquatic habitat, etc.);

(c) Opportunities to offset the impact of impervious areas of the facility on ground water recharge and base flows in local streams.

(ii) BMP Types to be considered. The following types of structural, non-structural and other BMPs must be considered for implementation at the facility. Describe how each is, or will be, implemented. This requirement may have been fulfilled with the area-specific BMPs identified under Part II.C.2.g.i, in which case the previous description is sufficient. However, many of the following BMPs may be more generalized or non site-specific and therefore not previously considered. If the permittee determines that any of these BMPs are not appropriate for the facility, the permittee must include an explanation of why they are not appropriate. The BMP examples listed below are not intended to be an exclusive list of BMPs that the permittee may use. The permittee is encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost effective means of permit compliance for the facility. If BMPs are being used or planned at the facility which are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include descriptions of them in this section of the BMP Plan.

(a) Non-Structural BMPs.

(i) Good Housekeeping: The permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water discharges. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers. In areas where storage, loading/unloading and material handling occur, the permittee must limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

(ii) Minimizing Exposure: Where practicable, industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff.

(iii) Preventive Maintenance: The permittee must have a preventive maintenance program which includes timely inspection and maintenance of storm water management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

(iv) Spill Prevention and Response Procedures: The permittee must describe the procedures which will be followed for cleaning up spills or leaks. Those procedures, and necessary spill response equipment, must be made available to those employees that may cause or detect a spill or leak. Where appropriate, the permittee must explain existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), which are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265.

(v) Routine Facility Inspections: In addition to or as part of the comprehensive site evaluation required under Part II.C.6, the permittee must have qualified facility personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water. The inspections must include an evaluation of existing storm water BMPs. The BMP Plan must identify how often these inspections will be conducted. The permittee must correct any deficiencies found in implementation of the BMP Plan as soon as practicable, but not later than within 14 days of the inspection. The permittee must document in the BMP Plan the results of the inspections and the corrective actions taken in response to any deficiencies or opportunities for improvement identified.

(vi) Employee Training: The permittee must describe the storm water employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training. The permittee must provide employee training for all employees that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for

implementing activities identified in the BMP Plan (e.g., inspectors, maintenance people). The employee training should inform them of the components and goals of the BMP Plan.

(b) Structural BMPs.

(i) Sediment and Erosion Control: The permittee must identify the areas at the facility which, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. The permittee must describe the structural, vegetative, and/or stabilization BMPs that will be implemented to limit erosion.

(ii) Management of Runoff: The permittee must describe the traditional storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility. These types of BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. All BMPs that are determined reasonable and appropriate, or are required by a State or local authority; must be implemented and maintained. Factors to consider when selecting appropriate BMPs should include: (1) The industrial materials and activities that are exposed to storm water, and the associated pollutant potential of those materials and activities; and (2) the beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters. (See "User's Guide to the MSGP-2000" for Considerations in Selection of BMPs) Structural measures should be placed on upland soils, avoiding wetlands and floodplains, if possible. Structural BMPs may require a separate permit under section 404 of the CWA before installation begins.

(iii) Example BMPs: BMPs that could be used include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

(iv) Other Controls. No solid materials, including floatable debris, may be discharged to waters of the United States, except as authorized by a permit issued under section 404 of the CWA. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust

must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel if they are necessary to provide a non-erosive flow velocity from the structure to a water course.

h) Non-Storm Water Controls

(i) When log sprinkling occurs, water used for log sprinkling must be collected and recycled and must not be discharged to waters of the United States.

(ii) The permittee must keep free of debris the ditch that conveys waste water from the outfall named "outfall 004" on the June 27, 1994 application for renewal of this NPDES permit to the settling pond, for eventual discharge from outfall 001.

(iii) Beginning one year after the effective date of this permit, the permittee must not allow livestock to graze on any part of its property within 50 feet of any open channel or surface impoundment that is part of its wastewater discharge system.

3. Maintenance. All BMPs must be maintained in effective operating condition. If site inspections required by Part II.C.6. identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

4. Copy of Permit Requirements. A copy of this permit must be included in the BMP Plan.

5. Applicable State, Local Plans. The BMP Plan must be consistent (and updated as necessary to remain consistent) with applicable State and/or local storm water or other wastewater regulations to the extent these apply to the facility and are more stringent than the requirements of this permit.

6. Comprehensive Site Compliance Evaluation

a) Frequency and Inspectors. The permittee must conduct facility inspections at least once a year. The inspections must be done by qualified personnel provided by the permittee. The qualified personnel may be either the permittee's own employees or outside consultants, provided they are knowledgeable and possess the skills to assess conditions at the facility that could impact storm water quality and assess the effectiveness of the chosen BMPs to control the quality of the storm water discharges. If the permittee decides to conduct more frequent inspections, the BMP Plan must specify the frequency of inspections.

b) Scope of the Compliance Evaluation. The permittee's inspections must include all areas where industrial materials or activities are exposed to storm water, as identified in II.C.2.c, areas where spills and leaks have occurred within the three years prior to the effective date of this permit, and sources of non-storm water discharges to waters of the United States. Inspectors should look for: (a) Industrial materials, residue or trash on the ground that could contaminate or be washed away in storm water; (b) leaks or spills from industrial equipment, drums, barrels, tanks or similar containers; (c) offsite tracking of industrial materials or sediment where vehicles enter or exit the site; (d) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas and (e) for evidence of, or the potential for, pollutants entering the drainage system. Results of both visual and any analytical monitoring done during the year must be taken into consideration during the evaluation. Storm water BMPs identified in the BMP Plan must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

c) Follow-Up Actions. Based on the results of the inspection, the permittee must modify the BMP Plan as necessary (e.g., show additional controls on map required by Part II.C.2.b.ii.; revise description of controls required by Parts II.C.2.g. and h to include additional or modified BMPs designed to correct problems identified. The permittee must complete revisions to the BMP within 14 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event, if practicable, but not more than twelve (12) weeks after completion of the comprehensive site evaluation.

d) Compliance Evaluation Report. The permittee must insure a report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the BMP Plan is completed and retained as part of the BMP Plan for at least three years from the date permit coverage expires or is terminated. Major observations should include: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. The permittee must retain a record of actions taken in accordance with Part II.C.6. of this permit as part of the BMP Plan for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the facility is in compliance with the Storm Water Pollution Prevention Plan and this permit. Both the inspection report and any reports of follow-up actions must be signed in accordance with Part V.E. "Signatory Requirements" of this permit.

e) Credit As a Routine Facility Inspection. Where compliance evaluation schedules overlap with inspections required under Part II.C.2.g.ii.a.v., the annual compliance evaluation may also be used as one of the routine inspections.

7. Maintaining Updated BMP Plan. The permittee must amend the BMP Plan whenever:

   a) There is a change in design, construction, operation, or maintenance at the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility;

   b) During inspections, monitoring, or investigations by the permittee or by local, State, Tribal or Federal officials it is determined the BMP Plan is ineffective in eliminating or significantly minimizing pollutants from sources identified under II.C.2.c. and d., or is otherwise not achieving the general objectives of controlling pollutants in discharges from the facility.

8. Signature, Plan Review and Making Plans Available

   a) The permittee must sign the BMP Plan in accordance with Part V.E., and retain the plan on-site at the facility covered by this permit (see III.F. for record keeping requirements).

   b) The permittee must keep a copy of the BMP Plan on-site or locally available to the Director for review at the time of an on-site inspection. The permittee must make the BMP Plan available upon request to the Director, and to a State, Tribal or local agency approving storm water management plans.

   c) The Director may notify the permittee at any time that the BMP Plan does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit which are not being met, as well as the required modifications. Within thirty (30) calendar days of receipt of such notification, the permittee must make the required changes to the BMP Plan and submit to the Director a written certification that the requested changes have been made.

III. General 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. 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. The permittee must submit reports quarterly, postmarked by the 10th day of the month following the last month of the quarter. Quarters are defined as January through March, April through June, July through September, and October though December, therefore DMRs are due on April 10th, July 10th, October 10th, and January 10th. 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 Compliance and Enforcement, with copies to IDEQ at the following addresses:

US EPA Region 10
Attn: PCS Data Entry Team
1200 Sixth Avenue, OCE-133
Seattle, Washington 98101

Idaho Department of Environmental Quality
Lewiston Regional Office
1118 "F" Street
Lewiston, ID 83501

C. 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 or approved by EPA as an alternate test procedure under 40 CFR 136.5.

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 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.

Upon request by EPA, 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

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 EPA 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"); or
   d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Part I.B.7.
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; and
   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement 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. Changes in Discharge of Toxic Pollutants

The permittee must notify the Director of the Office of Water and Watersheds and IDEQ as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
   a) One hundred micrograms per liter (100 ug/l);
   b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
   c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
   d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
   a) Five hundred micrograms per liter (500 ug/l);
   b) One milligram per liter (1 mg/l) for antimony;
   c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
   d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

   US EPA Region 10
   Attn: NPDES Permits Unit Manager
   1200 Sixth Avenue, OWW-130
   Seattle, Washington 98101

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 Part 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 $32,500 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 $32,500). 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 $157,500).

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 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 written notice, 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 of the Office of Compliance and Enforcement 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 of the Office of Compliance and Enforcement 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 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 written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. 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 subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I ("Changes in Discharge of Toxic Substances").

J. Anticipated Noncompliance

The permittee must give written advance notice to the Director of the Office of Compliance and Enforcement 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 Regional Administrator, 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 EPA and IDEQ, within the time specified in the request, any information that EPA 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 EPA 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 EPA or IDEQ, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA 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, Indian tribe, 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 EPA 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 of the Office of Compliance and Enforcement 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 of the Office of Compliance and Enforcement 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 of the Office of Compliance and Enforcement, EPA Region 10; 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 federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. 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.

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. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
7. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
8. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
9. "DMR" means discharge monitoring report.
10. "EPA" means the United States Environmental Protection Agency.
11. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
12. "IDEQ" means the Idaho Department of Environmental Quality.
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. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
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. "Special aquatic sites," as defined at 40 CFR 230.3(q-l), means those sites identified in 40 CFR 230 Subpart E. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region (see 40 CFR 230.10(a)(3)).
21. "Storm water" or "stormwater" means storm water runoff, snow melt runoff, and surface runoff and drainage.
22. "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.