



TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

- I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS ..... 4
  - A. Outfall 001 Effluent Limitations and Monitoring Requirements ..... 4
  - B. Ambient Monitoring Requirements Upstream ..... 5
  - C. Compliance Schedule for Total Residual Chlorine ..... 5
  
- II. SLUDGE MANAGEMENT REQUIREMENTS ..... 6
  
- III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS ..... 6
  - A. Quality Assurance Plan ..... 6
  - B. Representative Sampling ..... 7
  - C. Monitoring Procedures ..... 7
  - D. Reporting of Monitoring Results ..... 7
  - E. Additional Monitoring by the Permittee ..... 8
  - F. Records Contents ..... 8
  - G. Retention of Records ..... 8
  - H. Twenty-four Hour Notice of Noncompliance Reporting ..... 8
  - I. Other Noncompliance Reporting ..... 10
  - J. Notice of New Introduction of Pollutants ..... 10
  
- IV. COMPLIANCE RESPONSIBILITIES ..... 10
  - A. Duty to Comply ..... 10
  - B. Penalties for Violations of Permit Conditions ..... 10
  - C. Need to Halt or Reduce Activity not a Defense ..... 11
  - D. Duty to Mitigate ..... 11
  - E. Operation and Maintenance ..... 12
  - F. Removed Substances ..... 13
  - G. Bypass of Treatment Facilities ..... 13
  - H. Upset Conditions ..... 14
  - I. Toxic Pollutants ..... 14
  - J. Planned Changes ..... 14
  
- V. GENERAL PROVISIONS ..... 15
  - A. Permit Actions ..... 15
  - B. Duty to Reapply ..... 15
  - C. Duty to Provide Information ..... 15
  - D. Other Information ..... 15
  - E. Signatory Requirements ..... 15

F.	Availability of Reports .....	16
G.	Inspection and Entry .....	16
H.	Oil and Hazardous Substance Liability .....	17
I.	Property Rights .....	17
J.	Severability .....	17
K.	Transfers .....	17
L.	State Laws .....	19
M.	Reopener Clause .....	19
VI.	DEFINITIONS .....	19

**I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**A. Outfall 001 Effluent Limitations and Monitoring Requirements**

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

**Table 1: Limitations and Monitoring Requirements for Outfall 001**

Parameter	Effluent Limitations				Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Sample Frequency	Sample Type
Five-day Biochemical Oxygen Demand <sup>1</sup> mg/l lb/day Percent Removal	30 225 85 <sup>2</sup>	45 338 ---	--- --- ---	--- --- ---	2/Week	24-hr Composite
Total Suspended Solids <sup>1</sup> mg/l lb/day Percent Removal	30 225 85 <sup>2</sup>	45 338 ---	--- --- ---	--- --- ---	2/Week	24-hr Composite
Total Ammonia (as N) mg/l	---	---	---	---	2/Week	24-hr Composite
Nitrate-Nitrite (as N) mg/l	---	---	---	---	Quarterly	24-hr Composite
Total Phosphorus mg/l	---	---	---	---	Quarterly	24-hr Composite
E. coli, #/100m <sup>3,4</sup>	126	---	---	406	2/week	Grab

**Table 1: Limitations and Monitoring Requirements for Outfall 001**

Parameter	Effluent Limitations				Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	Sample Frequency	Sample Type
Total Residual Chlorine <sup>3</sup> µg/l lb/day	120 0.9	--- ---	210 1.6	--- ---	5/Week Mon-Fri	Grab
pH, standard units	---	---	See Part I.A.2.	---	Daily <sup>5</sup>	Grab
Flow, mgd	—	---	---	—	Continuous	Recording

Notes:

- 1 The sample location shall be influent and effluent for these parameters. The permittee shall collect influent and effluent samples over the same 24 hour period.
- 2 This value represents a minimum percent removal.
- 3 Reporting is required within 24 hours of a maximum daily limit violation. See Part III.H.
- 4 Monthly and weekly averages shall be measured as a geometric mean.
- 5 Daily basis for purposes of this permit is defined as normal working days, generally excluding weekends and holidays.

2. The pH range shall be between 6.5 - 9.0 standard units. The permittee shall report the number and duration of excursions during the month with the discharge monitoring report (DMR) for each month.
  3. There shall be no discharge of floating, suspended or submerged matter such that it causes a nuisance or objectionable condition or impairs designated beneficial uses.
- B. Ambient Monitoring Requirements Upstream. A monitoring station shall be established in the Snake River above the influence of the facility effluent discharge. The monitoring station must be approved by IDEQ and EPA no later than 30 days after the permit issuance date. The required monitoring shall be of total phosphorus, total ammonia as N, nitrate-nitrite as N, Kjeldahl nitrogen, pH and temperature and shall be done on a quarterly basis.
- C. Compliance Schedule for Total Residual Chlorine. The permittee must come into compliance with the total residual chlorine limitations of Part I.A.1 (Table 1), as described below.
1. If the results of I.C.2. show the permittee can meet the limits using existing equipment, then the permittee must achieve compliance by May

31, 2002.

2. By February 28, 2002 the City of American Falls shall pilot test existing facilities to determine if total chlorine residual effluent limits can be achieved.
3. From March 1, 2002 to August 31, 2002  
If results of I.C.2 pilot testing indicate that existing facilities are not sufficient to meet the total residual chlorine limits, then the City of American Falls will develop and design a plan to improve wastewater disinfection facilities to achieve permit limits.
4. September 1, 2002 to February 28, 2003  
The City of American Falls will construct a wastewater disinfection system to achieve permit limits for total residual chlorine.
5. Compliance Schedule Reporting to EPA shall be as described below.
  - a. April 30, 2002, a report is due to EPA stating results from the pilot study in I.C.2 and whether or not the facility needs to develop and design a plan to improve wastewater disinfection facilities
  - b. October 31, 2002, a report is due to EPA describing the new plan and design of I.C.3 for improved wastewater disinfection facilities.
  - c. February 28, 2003, a report is due to EPA stating that the facility is in compliance and has met the Total Residual Chlorine limits stated in I.A.1. (Table 1).

## **II. SLUDGE MANAGEMENT REQUIREMENTS**

The permittee shall ensure that an updated biosolids permit application (Form 2S) is on file with the EPA within six months of the issuance of this permit.

## **III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS**

### **A. Quality Assurance Plan**

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

2. At a minimum, the plan shall include the following:
    - a. Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.),
    - b. Sample preservation methods,
    - c. Sample shipment procedures,
    - d. Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts), and
    - e. Qualification and training of personnel.
  3. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and *Guidance on Quality Assurance Project Plans*, EPA QA/G-5.
  4. The permittee shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
  5. Copies of the QAP shall be kept on site and made available to EPA and/or Idaho Department of Environmental Quality (IDEQ) upon request.
- B. Representative Sampling. The permittee shall collect all effluent samples from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

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

- 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.
- D. **Reporting of Monitoring Results.** Monitoring results shall be summarized each month on the DMR form (EPA No. 3320-1) or its equivalent. 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 V.E. (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 Region 10  
1200 Sixth Avenue, OW-133  
Seattle, Washington 98101

copy to: Idaho Department of Environmental Quality  
Pocatello Regional Office  
224 South Arthur  
Pocatello, Idaho, Idaho 83240

- E. **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 and an explanation of why such additional monitoring was performed.

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

- F. **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.
- G. Retention of Records. Except as specified in paragraph II.I., the permittee shall retain records of all monitoring information, including but not limited to all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director or IDEQ at any time. A copy of this NPDES permit must be maintained on-site for the duration of activity at the permitted location.
- H. 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 unanticipated bypass which exceeds any effluent limitation in the permit (See Part IV.G, Bypass of Treatment Facilities);
    - b. Any upset which exceeds any effluent limitation in the permit (See Part IV.H, Upset Conditions); or
    - c. Violation of a maximum daily discharge limitation for any of the pollutants in Table 1 of Section I.A of the permit requiring 24-hour reporting.
  2. The following occurrences of noncompliance with biosolids requirements shall be reported by telephone by the first workday (8:00am - 4:30pm PST) following the day the permittee became aware of the circumstances:
    - a. Violation of any limits of 40 CFR 503.13, Table 1 (maximum individual sample) or Table 3 (monthly average);
    - b. Violation of the pathogen limits; or
    - c. Violation of the vector attraction reduction limits.
  3. 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 reoccurrence of the noncompliance.
4. 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.
  5. Reports shall be submitted to the addresses in Part III.D (Reporting of Monitoring Results).
- I. 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 III.D (Reporting of Monitoring Results) are submitted. The report shall contain the information listed in Part III.H (Twenty-four Hour Notice of Noncompliance Reporting).
  - J. Notice of New Introduction of Pollutants. The permittee shall provide adequate notice to the Director, Office of Water of:
    1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants; and
    2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
    3. For the purposes of this section, adequate notice shall include information on:
      - a. The quality and quantity of effluent to be introduced into such treatment works; and
      - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

#### 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 Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. Except as provided in permit conditions in Part IV.G (Bypass of Treatment Facilities) and Part IV.H (Upset Conditions), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).
  2. Criminal Penalties:
    - a. Negligent Violations. Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the CWA.
    - b. Knowing Violations. Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the CWA.
    - c. Knowing Endangerment. Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the

CWA.

- d. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this CWA or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this CWA, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the CWA.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Operation and Maintenance.
1. 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 appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
  2. Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance plan and ensure that it includes appropriate best management practices (BMPs). The O&M plan shall include measures which prevent or minimize the potential for the release of pollutants to the Snake River. The Plan shall be retained on site and made available to EPA and IDEQ upon request.
  3. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the Plan shall

reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:

- a. Spill prevention and control;
  - b. Optimization of chlorine and other chemical use;
  - c. Research, development and implementation of a public information and education program to control the introduction of household hazardous materials to the sewer system; and
  - d. Water conservation.
4. The design criterion for the permitted facility is an annual average flow of 0.9 mgd. Each month, the permittee shall compute an annual average value for flow entering the facility based on the previous twelve months data. If the average annual value exceeds 85% of the design criterion value, the permittee shall develop a facility plan and schedule within one year from the date of the first exceedance. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.
- 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 III.H (Twenty-four Hour Notice of Noncompliance Reporting).

3. Prohibition of bypass.

- a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
  - i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) The permittee submitted notices as required under paragraph 2 of this section.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine 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 III.H (“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.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
  - J. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
    1. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged (This notification applies to pollutants which are not subject to effluent limitations in the permit or notification requirements under 122.42(a)(1)); or
    2. the alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to the land application plan approved in this permit.

## **V. GENERAL PROVISIONS**

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

- B. 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 must be submitted at least 180 days before the expiration date of this permit unless the Administrator grants permission to submit the application at a later date.
- C. 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.
- D. 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.
- E. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
  - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  - 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
  - 3. Changes to authorization. If an authorization under paragraph 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 paragraph V.E.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

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

- F. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the CWA, permit applications, permits and effluent data shall not be considered confidential.
- G. 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 CWA, any substances or parameters at any location.

- H. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.
- I. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws for regulations.
- J. 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.
- K. 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.
- L. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.
- M. Reopener Clause. This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or

reasons supporting the request.

## VI. DEFINITIONS

1. "Administrator" means the Administrator of the EPA, or an authorized representative.
2. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month. For pollutants other than E. coli bacteria, the average monthly discharge shall be calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For E. coli bacteria, the average monthly discharge shall be calculated as a geometric mean.
3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week. For pollutant other than E. coli bacteria, the average weekly discharge shall be calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. For E. coli bacteria, the average weekly discharge shall be calculated as a geometric mean.
4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
5. "Chronic toxic unit" ("TU<sub>c</sub>") is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as 100/NOEC, where the NOEC is measured in percent effluent.
6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
7. "Director" means the Director of the Office of Water, EPA, or an authorized representative.
8. "DMR" means discharge monitoring report.
9. "EPA" means the United States Environmental Protection Agency.
10. "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.

11. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
12. "Regional Administrator" means the EPA Region 10 Regional Administrator, or an authorized representative.
13. "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.
14. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
15. "Waste stream" means any non-de minimus stream of pollutants within the permittee's facility that enters any permitted outfall or navigable waters. This includes spills and other unintentional, non-routine or unanticipated discharges.
16. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.