UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

NPDES PERMIT NO. AS0020036

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the discharge point location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit:

Discharger Name	MYD Samoa, Inc.
Discharger Address	P.O. Box 7684
	Pago Pago, Tutuila
	American Samoa 96799
Facility Name and Address	MYD Samoa Shipyard
	Village of Satala
	American Samoa 96799
Classification	Major
Facility Rating	MYD Samoa, Inc.

Discharge Point	General Type of Waste Discharged	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
NPDES-001	Industrial Wastewater and Industrial Storm Water	14º16'17"S	170º41'33"W	Pago Pago Harbor
NPDES-002	Industrial Wastewater and Industrial Storm Water	14º16'17"S	170º41'30"W	Pago Pago Harbor
NPDES-003	Industrial Wastewater and Industrial Storm Water	14º16'18"S	170º41'29"W	Pago Pago Harbor

This permit was issued on:	
This permit shall become effective on:	October 1, 2010
This permit shall expire at midnight on:	September 30, 2015
In accordance with 40 CFR 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.	

Signed this 17th day of September , 2010, for the Regional Administrator.

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Alexis Strauss, Director
Water Division

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Part I. EFFLUENT LIMITS AND MONITORING

A. Effluent Limits and Monitoring

1. Effluent Limits – Discharge Points NPDES 001 through 003
   During the period beginning on the effective date of this permit and ending on the expiration date of this permit, the discharger (MYD Samoa, Inc.) is authorized to discharge industrial storm water to the waters known as Pago Pago Harbor, American Samoa, from the three existing discharge points NDPES-001, NDPES-002, and NDPES-003, in compliance with all pertinent requirements of this permit. Additionally, the discharger is authorized to discharge limited types of industrial wastewaters that do not require more advanced treatment than the oil-water separators can provide, specifically tailwaters from hose cleaning and hydrotesting. The discharger must implement the Best Management Practices ("BMPs") specified in part III, section B.1 of this permit, and monitor for and achieve compliance with the effluent limits in Table 1. Compliance with these requirements is monitored at Monitoring Locations NPDES-001, NPDES-002, and NPDES-003 as shown on Attachment C, Map 4.

2. Effluent Limits – 3000-Ton Marine Railway discharges
   During the period beginning on the effective date of this permit and ending on the expiration date of this permit, the discharger (MYD Samoa, Inc.) is authorized to discharge industrial storm water and industrial wastewater of the types low-pressure vessel wash water and hydroblasting tailwater to the waters known as Pago Pago Harbor, American Samoa, from the operating 3000-ton marine railway (drydock), in compliance with all pertinent requirements of this permit. The discharger must implement the Best Management Practices (BMPs) specified in Part III, section B.2 of this permit. Because the design of the marine railway does not constrain its discharge to a suitable sampling point, compliance with these requirements is determined based on MYD Samoa Shipyard's consistent implementation of the specified BMPs.
3. The 800-ton marine railway (drydock) has been out of operation for an extended period, and no industrial wastewater discharges are permitted from that system. Storm water from the 800-ton marine railway is to be controlled equivalent to that from the 3000-ton marine railway. Should the discharger elect to recommission the 800-ton marine railway during the term of this permit, then the permit must be modified or re-opened to add requirements for protective equipment and BMPs equivalent to those required for the operating 3000-ton railway, which must be installed before any work on ships may be performed, and the same requirements as for the 3000-ton railway will apply to any industrial wastewater discharges.
4. The discharge of pollutants at any point other than the discharge points specifically authorized in this permit is prohibited, and constitutes a violation thereof. In particular, the discharger is prohibited from releasing any grit blast material into Pago Pago Harbor.
5. There shall be no discharge of pollutants to the receiving water that will:
   a. Settle to form objectionable deposits; float as debris, scum, oil, or other matter forming nuisances;
   b. Produce objectionable color, odor, taste, or turbidity;
   c. Cause injury to, or be toxic to, or produce adverse physiological responses in humans, animals, or plants; or
   d. Produce undesirable or nuisance aquatic life.
6. Except as authorized in Table 1 of this permit, the discharge shall be substantially free of the following [American Samoa Water Quality Standards 2005 revision, §24.0206]:
   a. The discharge shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce objectionable color, odor, or taste, either of itself or in combinations, or in the biota;
   b. The discharge shall be substantially free from visible floating materials, grease, oil, scum, foam, and other floating material attributable to sewage, industrial wastes, or other activities of man;

c. The discharge shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce visible turbidity or settle to form objectionable deposits;

d. The discharge shall be substantially free from substances and conditions or combinations thereof attributable to sewage, industrial wastes, or other activities of man which may be toxic to humans, other animals, plants, and aquatic life or produce undesirable aquatic life;

Additionally, the discharge shall not cause the following in the receiving water [*ibid*]:

e. The discharge shall not cause the temperature in the receiving water to deviate more than 1.5 degrees Fahrenheit from conditions which would occur naturally, fluctuate more than 1 degree Fahrenheit on an hourly basis, or exceed 85 degrees Fahrenheit due to the influence of other than natural causes;

f. The discharge shall not cause the concentration of toxic pollutants in the receiving water to exceed aquatic life criteria for marine waters or human health criteria for consumption of organisms found in EPA 2002a, or the more recent version;

g. The discharge shall not cause the turbidity in the receiving water to exceed 0.75 Nephelometric Units;

h. The discharge shall not cause the light penetration depth to be less than 65.0 feet (to exceed given value 50 percent of the time);

i. The discharge shall not cause the concentration of dissolved oxygen to be less than 70 percent of saturation or less than 5.0 mg/l. If the natural level of dissolved oxygen is less than 5.0 mg/l, the natural level shall become the standard;

j. The discharge shall not cause the water column concentration of mercury to exceed 0.05 µg/l;

k. The discharge shall not cause the total phosphorus concentration to exceed 30.0 µg/l as phosphorus;

l. The discharge shall not cause the total nitrogen concentrations to exceed 200.0 µg/l as nitrogen; and

m. The discharge shall not cause the concentration of chlorophyll-*a* to exceed 1.0 µg/l.

B. Table 1. Effluent Limits and Monitoring Requirements –Discharge Points NPDES 001 through 003

Effluent limitations and monitoring, monitoring frequency, and sample type for each pollutant or parameter for Discharge Points NPDES 001, 002, and 003 for the MYD Samoa, Inc. facility.

Parameter	Units	Effluent Limitations		Monitoring Requirements	
		Average Monthly	Maximum Daily	Monitoring Frequency	Sample Type
Flow Rate	MGD[1]	Monitoring only[2]		Continuous	Estimated
Visible Sheen and Foam		Monitoring and logging[2]		Daily	Visual inspection & log
pH	standard pH units	6.5 [3,4]	8.6 [4,5]	Monthly	Grab
Total Suspended Solids	mg/l	Monitoring only[2]		Monthly	Grab
Turbidity	NTU[6]	-	0.75	Monthly	Grab
Oil and Grease	mg/l	10	15	Monthly	Grab
Arsenic (Total Recoverable)	µg/l[7]	0.14	0.37	Quarterly	Grab
Mercury (Total Recoverable)	µg/l	0.0425	-	Quarterly	Grab
Total Polychlorinated Biphenyls	µg/l	0.0000544	-	Quarterly	Grab
Chromium VI (may be monitored as Total Chromium)[8]	µg/l	41	82	Quarterly	Grab
Copper (Total Recoverable)	µg/l	2.4	2.9	Quarterly	Grab
Lead (Total Recoverable)	µg/l	6.6	13.3	Quarterly	Grab
Zinc (Total Recoverable)	µg/l	45	90	Quarterly	Grab
Tributyltin	µg/l	0.006	0.012	Quarterly	Grab
Benzene	µg/l	51	103	Quarterly	Grab
Ethylbenzene	µg/l	2,100	4,221	Quarterly	Grab
Toluene	µg/l	15,000	30,150	Quarterly	Grab
Xylene	µg/l	10,000	20,100	Quarterly	Grab

[1] MGD is Million Gallons per Day; [2] No effluent limits are set at this time, but monitoring and reporting are required; [3] Instantaneous Minimum; [4] Instantaneous Maximum; [5] The PH must also remain within 0.2 standard units of the value that would occur naturally; [6] Nephelometric Turbidity Units ; [7] µg/l is micrograms per liter; [8] The discharger may, at its option, test for Total Chromium in lieu of total recoverable Chromium VI, and should so indicate on the quarterly DMR forms. The discharger is required to comply with the listed values of the limits regardless of which form of the metal is monitored (I.E. Total Chromium readings must be below the Chromium VI limits if Total Chromium is monitored).

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Part II. MONITORING AND REPORTING REQUIREMENTS

A. Effluent Monitoring and Reporting

1. Effluent Sampling
   a. Samples and measurements taken as required in this permit shall be representative of the volume and nature of the monitored discharge. All effluent samples shall be taken following the final treatment process and before mixing with the receiving water.
   b. Samples and measurements shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 24 hours from the previously measurable storm event. Grab samples shall be taken during the first thirty minutes of the discharge.
2. Effluent Analysis
   a. Effluent monitoring and analyses must be conducted in accordance with EPA test procedures approved under Title 40, Code of Federal Regulations ("CFR"), Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act*, as amended. For effluent analyses, the permittee shall utilize a Method Detection Limit ("MDL") or Minimum Level ("ML") that is lower than the effluent limitations described in Tables 1 and 2 of this permit. If all published MDLs or MLs are higher than the effluent limitations, the permittee shall utilize the test method procedure with the lowest MDL or ML. The permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Priority pollutant analysis for metals shall measure "total recoverable metal," except as provided under 40 CFR 122.45(c). Analysis for benzene, ethylbenzene, toluene and xylene shall employ the use of either EPA Methods 602 or 624.
3. Effluent Quality Reporting
   a. For samples collected during the quarterly reporting period, the permittee shall report on the Discharge Monitoring Report ("DMR") the following for each pollutant or parameter:
      i. The maximum value, if the result is greater than or equal to the ML; or
      ii. NODI(Q), if result is greater than or equal to the laboratory's MDL but less than the ML; or
      iii. NODI(B), if result is less than the laboratory's MDL.
   b. As an attachment to each DMR form submitted during the quarterly reporting period, the permittee shall report for all pollutants or parameters with monitoring requirements specified in Table 1 of this permit the following:

i. The analytical method number or title, preparation and analytical test procedure utilized by the laboratory, published MDL or ML, the laboratory's MDL;

ii. The standard deviation from the laboratory's MDL study; and

iii. The number of replicate analyses (*n*) used to compute the laboratory's MDL.

a. In addition to information requirements specified under 40 CFR 122.41(j)(3), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss Quality Assurance/Quality Control ("QA/QC") analyses performed concurrently during sample analyses and whether project and 40 CFR 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample receipt condition, holding time, and preservation.

b. All monitoring results shall be submitted in such a format as to allow direct comparison with effluent limitations and requirements in this permit. Monitoring results must be reported on a DMR form. DMR forms shall be submitted quarterly and by the 28th of the month following the previous quarterly reporting period. For example, the three DMR forms for the reporting period January through March shall be submitted by the 28th of April.

Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator of EPA and the Director of ASEPA at the following addresses:

Pacific Islands Office (CED-6)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Director
ASEPA
P.O. Box PPA
Pago Pago, American Samoa 96799

For submissions to U.S. EPA, the Discharger has the option to submit all monitoring results in the electronic reporting format approved by U.S. EPA. The Discharger may submit DMRs electronically using EPA's NetDMR application. NetDMR is a national tool for regulated Clean Water Act permitees to submit discharge monitoring reports (DMRs) electronically via a secure Internet application to U.S. EPA. By using NetDMR, dischargers can discontinue mailing hard copy forms under 40 CFR 122.41 and 403.12.

4. Quality Assurance

   a. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples and submit it to EPA within 60 days from the effective date of this permit. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be prepared and implemented **within 90 days from the effective date of this permit**. At a minimum, the QA Manual shall include the following:

      i. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;

      ii. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR 136.3); and chain of custody procedures;

      iii. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratorycontrol sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and

      iv. Discussion of how the permittee will perform data review and reporting of results to EPA and ASEPA and how the permittee will resolve data quality issues and identify limits on the use of data.

   b. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by EPA and/or ASEPA upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.

B. Priority Toxic Pollutants Scan

1. In accordance with federal regulations, the permittee shall conduct a Priority Toxics Pollutants scan during the second and fourth year of the five-year permit term to ensure that the discharge does not contain toxic pollutants in concentrations that may

cause a violation of water quality standards. The permittee shall perform all effluent sampling and analyses for the priority pollutants scan in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified by EPA. 40 CFR 131.36 provides a complete list of Priority Toxic Pollutants.

C. Twenty-Four Hour Reporting of Noncompliance

In accordance with 40 CFR 122.41(l)(6), the permittee shall report any noncompliance which may endanger human health or the environment. An example of noncompliance is an exceedance of a maximum daily effluent limitation. Any information shall be provided orally, within 24 hours from the time the permittee becomes aware of the circumstances, to EPA and American Samoa EPA. The permittee shall notify EPA and American Samoa EPA at the following telephone numbers:

U.S. Environmental Protection Agency
Pacific Islands Office (CED-6)
(415) 972-3767

American Samoa EPA
PO Box PPA
Pago Pago, American Samoa 96799
(684) 633-2304 (front desk)

A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Part III. SPECIAL CONDITIONS

A. Permit Reopeners

1. In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards or TMDLs; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.
2. This permit may be reopened and modified to include additional effluent limitations and BMPs at any time if EPA determines that the discharger is not adhering to the BMPs and practices specified in this permit.

3. Ambient water column and sediment monitoring is not required at this time. However, EPA may reopen the permit for the imposition of ambient water column and sediment monitoring in order to assess pollutant sources which have reasonable potential to cause or contribute to the exceedence of water quality criteria in Pago Pago Harbor. This decision shall be based on past and present Pago Pago Harbor receiving water and sediment monitoring data and studies, being collected and conducted by environmental agencies and harbor dischargers.
4. Should any of the monitoring indicate that the discharge causes, has reasonable potential to cause, or contributes to excursion above a water quality criteria, the permit may be reopened for the imposition of additional water quality- based limits and/or whole effluent toxicity limits in accordance with 24.0207(a)(8) of the American Samoa Water Quality Standards. Also, this permit may be modified, in accordance with the requirements set forth at 40 CFR '122.44 and 124.14, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new state water quality standards applicable to effluent toxicity.

B. Best Management Practices

In accordance with section 304(e) of the CWA and 40 CFR 122.44(k)(4), the permittee is required to develop and implement appropriate pollution prevention measures or BMPs designed to control and treat site runoff, spillage or leaks, sludge or waste disposal, and drainage from shipyard areas that may contribute significant amounts of pollutants to surface waters.

1. Specified BMP Requirements for Shipyard Operations

   The following site-specific BMPs have been developed for the MYD Shipyard facility under an existing EPA Administrative Order dated September 19, 2008, and revised in communications with MYD Samoa on September 11, 2009, and must be implemented as a condition of this NPDES permit. Note that these BMPs are to be implemented in addition to those already being carried out by the discharger, which must be maintained.
   These BMPs are intended to reduce the risk of significant quantities of pollutants being entrained in storm water that runs across the shipyard site and discharged to Pago Pago harbor. Implementation of these BMPs must be documented by the BMP plan, see section 3 below.

Table 3: Specified BMPs for Shipyard Operations

S1	Secondary containment always shall be deployed around all materials, paints, fuel, containers, drums, trash heaps, hazardous materials storage, tooling and mechanized equipment exposed to rainfall on the dry docks or on shore.
S2	Anodes and ballast shall be covered to prevent contact with rain and storm water runoff; spent anodes and ballast shall be contained within drums or sealed crates.

S3	Collected spent blasting grit shall be stored in a way that prevents contact with rainfall or storm water run-off.
S4	All captured runoff from contact with contamination sources shall be treated through settling and oil skimming prior to discharge to the harbor.
S5	Pier side curbs along the harbor shall be maintained; pier side curbs surrounding the dry docks shall be built *if the landings are not maintained swept, cleaned, and in order*.
S6	There shall be self-certifications of no discharge to the harbor of fuel oil, oil sludge, oil refuse, bilge water, ballast waters, ships sanitary, or any other wastewaters from any vessel berthed at the shipyard or in dry dock.
S7	Debris from the September 29, 2009 tsunami in American Samoa, and other loose debris currently on site that has been left exposed to the rain, must be removed or covered and contained (e.g. with erosion control matting) to prevent storm water from washing additional sediment and contaminants into the discharge sumps or directly into Pago Pago Harbor.

2. Specified BMP Requirements for 3000-ton Marine Railway (Dry Dock)

   The following site-specific BMPs have been developed for the MYD Shipyard facility under an existing EPA Administrative Order dated September 19, 2008, and revised in communications with MYD Samoa on September 11, 2009, and must be implemented as a condition of this NPDES permit. Note that these BMPs are to be implemented in addition to those already being carried out by the discharger, which must be maintained.
   These BMPs are intended to reduce the risk of direct discharges of pollutants to Pago Pago harbor from work being conducted on the marine railway platforms (dry docks). Implementation of these BMPs must be documented by the BMP plan, see section 3 below.

Table 4: Specified BMPs for 3000-ton Marine Railway (Dry Dock)

D1	The dry dock deck shall be sealed to the greatest extent practical in order to prevent the loss of solids into the harbor through gaps in the decking.
D2	The dry dock deck shall not be rinsed off with water, nor shall water be used to collect spent blasting grit or remove solids from vessel exteriors.
D3	At the end of each shift, the dry dock deck shall be broom cleaned and/or vacuumed to capture and remove solids (blasting grit, removed scale, trash, rust). The removal of these solids from the dry dock deck must be of sufficient degree to prevent solids entrainment in storm water runoff, and must be conducted in such a fashion that none of the removed solids fall through the dry dock deck or otherwise enter Pago Pago Harbor.
D4	Hull hydroblasting and vessel washing on the dry docks shall occur only after the dry dock is broom or vacuum cleaned to prevent the wash down of contaminants (solids, spills, oils, etc.) with the tail waters. Hull hydroblasting tailwaters and vessel wash water are the only types of industrial wastewaters which may be released from the dry docks, and only in the case that cleaning (as in BMP D3) is conducted before washing/hydroblasting commences.

D5	Hose cleaning and hydrotesting shall be done pier side so that tail waters drain into the harbor through one of the three NPDES permitted catch basin sumps.
D6	ASEPA shall be notified the day before any planned submergence of a dry dock; and the submergence shall not proceed until ASEPA has approved the condition of the dry dock and authorized its submergence in writing.
D7	The use of corrosion inhibitors (nitric-acid bearing) in wet sandblasting and the accumulation of hazardous wastes shall be prohibited.

3. Best Management Practices Plan

To document compliance with the required implementation of BMPs specified in sections 1 and 2 above, and to pursue continuing improvement (where feasible) of on-site practices, the permitee is required to prepare a Best Management Practices Plan (BMP Plan)

a. The permittee is required to prepare a BMP Plan and submit it to EPA within 60 days from the effective date of this permit. The plan must be implemented **within 90 days from the effective date of this permit**. A BMP Plan may be combined with a Storm Water Pollution Prevention Plan that is described in section C of this Part.

b. At a minimum, the BMP Plan shall include the following:

(1) a summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate non-storm water effluent may take place, and those industrial materials or activities that are exposed to storm water (e.g., non-roofed on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas); and a list of associated pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity;

(2) a description of existing and planned BMPs for storm water and non-storm water controls; the BMP Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to storm water or generate non-storm water; selection of BMPs should take into consideration the quantity and nature of the pollutants, and their potential to impact the water quality of the receiving water;

(3) a description of BMPs to prevent the spillage of oil and grease; BMPs shall ensure that used oils are properly stored in clean, sealed, and approved containers and stored in a place (preferably in a covered shed or warehouse) that can contain the material in the event of a spill; that all paved storage areas are free of cracks and gaps and are sufficiently impervious to contain spills; that during drydock operations, accidental

spills of oil, grease, or fuel are prevented from reaching drainage systems, from discharge with the drainage water, or from otherwise entering surface waters; that cleanup is carried out promptly after an oil or grease spill is detected; that during periods when ships are on the railway, oil containment booms are installed across the entrance to the railway and a tide slide is used to enhance boom effectiveness; and that procedures for deploying additional oil containment booms around spills and procedures for clean-up inside the boomed areas are developed;

(4) a description of BMPs to control blasting debris and paint overspray; BMPs shall ensure curtains are used on the sides of the railway when sandblasting and painting operations are under way to prevent the discharge of spent sandblasting materials, abrasives, paint chips, and paint overspray to the receiving water; that debris from the drydock is swept and removed several times while a ship is in for repair and, at a minimum, at the end of each workday; that flooring is completely covered during the time of sandblasting to prevent grit material from falling through spaces in the slatted railway deck; that grit-blasting wastes are properly stored under cover in order to prevent any contact with storm water; that grit-blasting wastes are collected, tested, stored and disposed in accordance with federal hazardous waste management rules, if applicable; that blast materials from paint waste is separated in order to reuse blast material and lower potential toxicity of spent grit blast; that when reuse is not possible on-site, that spent blast material is properly disposed of in compliance with federal hazardous waste regulations (where applicable); that drainage ditches are covered to prevent spent grit material from mixing with storm water; that employees who are involved in blasting or painting vessels are given proper training to ensure that they are aware of techniques necessary to minimize airborne grit material and overspray; that the type of grit-blasting media is described (i.e. copper slag, steel shot, etc.), as well as the reasons for selecting this type of media; that the use of alternative and less environmentally hazardous blasting media or techniques are considered (i.e. plastic media blasting, thermal stripping, dry ice pellets, or cryogenic stripping.);

(5) a description of BMPs to prevent paint and solvent spills; BMPs shall ensure that paints and solvents be mixed only in designated paint mix areas which have adequate secondary containment; paint and solvent spills must be contained until cleanup is complete;

(6) a description of the facility's preventive maintenance program, which must provide for timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) 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; all BMPs listed in the BMP Plan must be maintained in effective operating condition to control source runoff;

(7) a list of qualified personnel that are responsibly for inspecting all areas of the facility where industrial materials or activities are exposed to storm water and non-storm water (i.e., storage areas for vehicles/equipment awaiting maintenance, fueling areas, vehicle/equipment maintenance areas, material storage areas, line-flushing area, vehicle/equipment cleaning areas, and loading/unloading area, location(s) of oil/water separators, storm drains, etc.); inspections must include an evaluation of existing BMPs; the BMP Plan must identify how often the inspections are to occur;

(8) a description of a storm water and non-storm water training program for the facility; topics should include spill response, good housekeeping and material management practices, proper fueling practices, proper painting or sandblasting procedures for the removal of paint, and must identify periodic dates for such training; training must be provided to all employees that operate in areas where industrial materials or activities generate non-storm water or are exposed to storm water; employee training shall occur at least once per year;

(9) identification of areas of the facility that have a potential for significant soil erosion; and the BMP Plan must describe the structural, vegetative, and/or stabilization BMPs that are or will be implemented to limit erosion;

(10) a description of the traditional storm water and non-storm water management practices (structural or vegetative BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility; these BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water or non-storm water discharges from the site; examples of structural controls include oil/water separators and retention basins; an example of a vegetative control is a grassy swale;

(11) a description of the management plan for control of large solid materials, such as removal of scrap metal, wood, plastic, miscellaneous trash (i.e., paper and glass, and industrial scrap and waste such as insulation, welding rods, packaging, etc.,) from the drydock floor prior to each launching of vessel(s) back to the harbor and hauling of vessel(s) onto the maintenance area; routine clean up of litter and debris in the yard and around the drydocks to prevent accumulation and possible discharge to the receiving water; and the covered storage of used batteries, used oil, paint, scrap metal, generators, and unused

machinery in the yard or their disposed in a manner that is safe, legal, and prevents contamination of the receiving water;

(12) a description of the management plan to deal with hazardous waste such as properly labeling and recycling (when possible) or disposing of hazardous waste including used grit blast (if applicable), paint (especially paints with anti-fouling or anti- corrosion agents), oils, brake fluids, anti- freeze, batteries, petroleum products, degreaser, and tool coolants; posting hazard signs in locations where there is a significant risk of spills or fires, and installing "No Dumping" signs where dumping is likely to occur or has occurred in the past; posting signs for trash bins designating the type of material that is acceptable and/or unacceptable;

c. The BMP Plan must be maintained and amended whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate BMP Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.

d. The written BMP Plan shall be maintained at the facility and be made available upon request by EPA and/or ASEPA.

C. Storm Water Pollution Prevention Plan

1. In accordance with section 304(e) of the CWA and 40 CFR 122.44(k)(2), the permittee shall develop and submit to EPA a Storm Water Pollution Prevention Plan ("SWPPP") within 60 days of the effective date of this permit, and implement the plan within **90 days of the effective date of this permit**. The plan is to be consistent with Sector R, Ship and Boat Building and Repairing Yards, of the Final Reissuance of the NPDES Storm Water Multi-Sector General Permit ("MSGP") for Industrial Activities (Federal Register, Vol. 65, No. 210, October 30, 2000).
2. The SWPPP shall identify the potential sources of pollution related to storm water which may reasonably be expected to affect the quality of the effluent discharges from the facility; describe and ensure implementation practices which will be used to reduce the pollutants in effluent discharges from the facility; and assure compliance with the terms and conditions of this permit.
3. The SWPPP shall include but is not limited to the following:
   a. the identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the SWPPP;
   b. a description of the nature of the industrial activities at the facility;

c. a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and all receiving waters within one mile of the facility;

d. a list of significant spills and leaks of toxic or hazardous pollutants that occurred at the facility between three years prior to the date of issuance of this permit and the present;

e. a study, including a monitoring program, to determine of the source of oil or fuel causing the sheen to appear on the soil and in the harbor during storms;

f. a narrative description of significant materials that have been treated, stored, or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present;

g. a risk identification and assessment/material inventory identifying the various sources at the plant that contribute pollutants to storm water discharges associated with industrial activity;

h. a drainage site map identifying the directions (using arrows) of where any of the following may be exposed to precipitation/surface runoff: fueling; engine maintenance/repair; vessel maintenance/repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron);

i. a description of the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing/processing activities (e.g., welding, metal fabricating); processes generating significant dust or particulates (e.g., abrasive blasting, sanding, painting); other potential pollutant sources;

j. good housekeeping measures as described in Part 4.2.7.2.1.1 of the MSGP; 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;

k. a description of measures to prevent spent abrasives, paint chips and over spray from discharging into the receiving water or the storm sewer systems.; the permittee should consider containing all blasting/painting activities or use other measures to prevent the discharge of the contaminants (e.g., using and better sealing the existing plastic curtains during blasting or painting operations to contain debris); where necessary, the permittee should regularly clean storm water conveyances (including the dry docks) of deposits of abrasive blasting debris and paint chips; the permitee should also codify in the SWPPP any standard operating practices relating to blasting/painting (e.g., prohibiting uncontained basting /painting over open water, or prohibiting blasting/painting during windy or stormy conditions which can render containment ineffective);

l. a description of material storage areas, which must plainly label and containerize materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains; implement and describe measures to prevent or minimize the contamination of precipitation/surface runoff from the storage areas; specify which materials are stored indoors and consider containment or enclosure for those stored outdoors; discussion of the storage and disposal of spent abrasive materials generated at the facility (including re-use methods);

m. a description of measures to prevent or minimize the contamination of precipitation/surface runoff form all areas used for engine maintenance and repair; the permittee should consider the following (or their equivalents): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area;

n. a description of measures to prevent or minimize the contamination of precipitation/surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels); the permittee should consider the following (or their equivalents): covering fueling areas; using spill/overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimize run-on of storm water to material handling areas;

o. a description of procedures for routinely maintaining/cleaning the drydock to prevent or minimize pollutants in storm water runoff; the permittee shall address the cleaning of accessible areas of the drydock prior to flooding; and perform a final cleanup following removal of the vessel and raising the dock; a description of procedures for cleaning up oil, grease or fuel spills occurring on the drydock; the permittee should consider the following (or their equivalents): sweeping rather than hosing off debris/spent blasting material from accessible areas of the drydock prior to flooding, and having absorbent materials and oil containment booms readily available to contain/clean up any spills;

p. a schedule of routine yard maintenance and cleanup; the permittee shall regularly remove from the general yard area: scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc.;

q. a description of a preventive maintenance program that includes performing timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators and sediment traps to ensure that spent abrasives, paint chips and solids will be intercepted and retained prior to entering the storm drainage system or the harbor) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters;

r. a description of all monthly inspections for the following areas: pressure washing area, blasting, sanding and painting areas; material storage areas; engine maintenance/repair areas; material handling areas; drydock areas; and general yard area;

s. a description of a facility training program for the following activities (as applicable): used oil management; spent solvent management; disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management;

t. a schedule of a comprehensive site compliance evaluation; the permittee shall include a regularly scheduled evaluation at least once a year and address those areas contributing to a storm water discharge associated with industrial activity (e.g.,. pressure washing area, blasting/sanding areas, painting areas, material storage areas, and drydock area; these areas must be visually inspected for evidence of, or the potential for, pollutants entering the drainage system; and

u. a copy of this permit.

4. The SWPPP shall be located on facility premises and be made available to EPA and ASEPA, upon request.

5. The SWPPP shall have management approval and be maintained and amended whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.

D. Pollution Minimization Plan for Mercury and Total PCBs

1. In accordance with section 304(e) of the CWA and 40 CFR 122.44(k)(4), within 60 days of the effective date of this permit the permittee shall develop and submit to EPA Pollutant Minimization Plan that is consistent with EPA's report entitled, Total Maximum Daily Loads for Mercury and PCBs, and Arsenic Analysis for Pago Pago Harbor, Territory of American Samoa (January 2007).

2. The permittee is required to implement the above Pollutant Minimization Plan **within 90 days from the effective date of this permit**. The plan must describe its BMPs or pollutant prevention measures for mercury and PCBs. A Pollutant Minimization Plan may be combined with a BMP Plan and SWPPP Plan that were described previously so as long as the control of mercury and polychlorinated biphenyl ("PCBs") pollution is addressed.

3. At a minimum, the Pollutant Minimization Plan shall include the following:

a. the identification and evaluation of current and potential sources of mercury and PCBs at the facility;

b. a description of monitoring to confirm current or potential sources of mercury and PCBs;

c. the identification of potential methods for reducing or eliminating mercury or PCBs, including requiring BMPs or assigning limits to all potential sources of mercury or PCBs to a collection system, material substitution, materials recovery, spill control and collection, waste recycling, process modifications, housekeeping and laboratory use and disposal practices, and public education;

d. the implementation of appropriate minimization measures identified in the Pollution Minimization Plan; and

e. monitoring to verify the results of pollution minimization efforts.

4. The Pollutant Minimization Plan shall be located at the facility and be made available upon request by EPA and/or ASEPA.

Part IV. Attachments

Attachment A – Standard Permit Conditions
Attachment B – Definitions, Acronyms, and Abbreviations
Attachment C – Location Maps
Attachment D – Wastewater Flow Schematic

Attachment A: Standard Conditions

A. All NPDES Permits

1. In accordance with 40 CFR 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

   a. Duty to comply; at 40 CFR 122.41(a).

   The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

   (1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

   (2) The CWA provides that 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 $25,000 per day for each violation. The CWA 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 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. 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. 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 note more than $250,000 or imprisonment of not more

than 15 years, or both. In the case of 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, such as defined in section 309(c)(3)(iii) of the CWA, 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.

(3) 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 such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

b. Duty to reapply; at 40 CFR 122.41(b).
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.

c. Need to halt or reduce activity not a defense; at 40 CFR 122.41 (c).
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; at 40 CFR 122.41(d).
The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

e. Proper operation and maintenance; at 40 CFR 122.41(e).
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 backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

f. Permit actions; at 40 CFR 122.41(f).
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.

g. Property rights; at 40 CFR 122.41(g).
This permit does not convey any property rights of any sort, or an exclusive privilege.

h. Duty to provide information; at 40 CFR 122.41(h).
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. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

i. Inspection and entry; at 40 CFR 122.41(i).
The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon 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; and

(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 purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

j. Monitoring and records; at 40 CFR 122.41(j).

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or

application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed

(iv)The individuals(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi)The results of such analyses.

(4) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.

(5) The CWA 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.

k. Signatory requirement; at 40 CFR 122.41(k).

(1) All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22.)

(2) The CWA 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.

l. Reporting requirements; at 40 CFR 122.41(l).

(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:

(i) The alternation or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, an such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

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

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

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

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

(6) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g).)

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under 40 CFR 122.41(l)(1)(ii) of this section if the oral report has been received within 24 hours.

(7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR 122.41(l)(1), (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) Other information. Where 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 in any report to the Director, it shall promptly submit such facts or information.

m. Bypass; at 40 CFR 122.41(m).

(1) Definitions.

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

(ii) "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.

(2) 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 40 CFR 122.41(m)(3) and (m)(4) of this section.

(3) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(4) Prohibition of bypass.

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) 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 preventative maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

n. Upset; at 40 CFR 122.41(n).

(1) Definition. "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 cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(2) 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 (n)(3) 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.

(3) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph (l)(6)(ii)(B) of this section (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

(4) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B. Specific Categories of NPDES Permits

In accordance with 40 CFR 122.42, the following conditions, in addition to those set forth at 40 CFR 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

1. Existing manufacturing, commercial, mining, and silviculture dischargers; at 40 CFR 122.42 (a). All existing manufacturing, commercial, mining, and silviculture dischargers must notify the Director as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 ug/l);

(2) 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;

(3) 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

(4) The level established by the Director in accordance with 40 CFR 122.44(f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(5) Five hundred micrograms per liter (500 ug/l);

(6) One milligram per liter (1 mg/l);

(7) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

(8) The level established by the Director in accordance with 40 CFR 122.44(f).

C. Standard Conditions Established by EPA Region 9 for All NPDES Permits

1. Duty to reapply; at 40 CFR 122.21(d).

c. Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

d. All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that: (1) the Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.

2. Signatories to permit applications and reports; at 40 CFR 122.22.

   a. Applications. All permit applications shall be signed as follows:

      (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (B) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

      Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR 122.22(a)(1)(ii) rather than to specific individuals.

      (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

      (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

   b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

      (1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) 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 well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Director.

c. Changes to authorization. If an authorization under paragraph (b) of this section 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 (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under paragraph (a) or (b) of 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. "

3. Transfer of permits; at 40 CFR 122.61.

a. Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

b. Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES 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 in paragraph (b)(2) of this section;

(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. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

4. Minor modifications of permits; at 40 CFR 122.63.
Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures in 40 CFR 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR 124 draft permit and public notice as required in 40 CFR 122.62. Minor modifications may only:

   a. Correct typographical errors;

   b. Require more frequent monitoring or reporting by the permittee.

   c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

   d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;

   e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR 122.29.

   f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits

   g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.

5. Termination of permits; at 40 CFR 122.64.

a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:

(1) Noncompliance by the permittee with any conditions of the permit;

(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

b. The Director shall follow the applicable procedures in 40 CFR 124 or 22 of this chapter, as appropriate (or State procedures equivalent to part 124) in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW (but not by land application or disposal into a well), the Director may terminate the permit by notice to the permittee. Termination by notice shall be effective 30 days after notice is sent, unless the permittee objects within that time. If the permittee objects during that period, the Director shall follow 40 CFR 124 of this chapter or applicable State procedures for termination. Expedited permit termination procedures are not available to permittees that are subject to pending State and/or Federal enforcement actions including citizen suits brought under State or Federal law. If requesting expedited permit termination procedures, a permittee must certify that it is not subject to any pending State or Federal enforcement actions including citizen suits brought under State or Federal law. State-authorized NPDES programs are not required to use part 22 of this chapter procedures for NPDES permit terminations.

6. Availability of Reports; pursuant to CWA section 308
Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

7. Removed Substances; pursuant to CWA section 301
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 entering waters of the U.S.

8. Severability; pursuant to CWA section 512
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 remainder of this permit, shall not be affected thereby.

9. Civil and Criminal Liability; pursuant to CWA section 309
   Except as provided in permit conditions on "Bypass" and "Upset", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

10. Oil and Hazardous Substances Liability; pursuant to CWA section 311
    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.

11. State, Tribe, or Territory Law; pursuant to CWA section 510
    Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

Attachment B: DEFINITIONS, ACRONYMS, and ABBREVIATIONS

1. AML: In the context of permit limitations and monitoring requirements, the "Average Monthly Limit" or "AML" is the value which the average (arithmetic mean) of all samples collected in a given calendar month must not exceed in order to remain in compliance.
2. BMPs: "Best Management Practices" or "BMPs" are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
3. Composite: A "composite" sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
4. Daily discharge: A "daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
5. A "daily maximum allowable effluent limitation" means the highest allowable "daily discharge."
6. DMR: A "DMR" is a "Discharge Monitoring Report"; that is, an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
7. Grab sample: A "grab" sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
8. MDL (limits): In the context of permit limitations and monitoring requirements, the "Maximum Daily Limit" or "MDL" is equivalent to the "daily maximum allowable effluent limitation" described above.

9. MDL (lab analysis): In the context of laboratory analyses, the "method detection limit" or "MDL" is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by a specific laboratory method in 40 CFR 136. The procedure for determination of a laboratory MDL is in 40 CFR 136, Appendix B.

10. ML: The "minimum level" or "ML" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA's draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals than for non-metals:

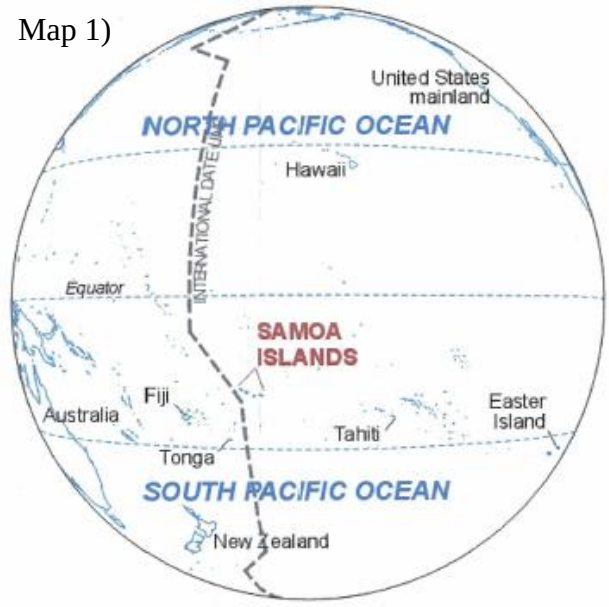
    i. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
    ii. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10n, where n is zero or an integer. (For example, if an MDL is 2.5 ug/l, then the calculated ML is: 2.5 ug/l x 3.18 = 7.95 ug/l. The multiple of (1, 2, or 5) x 10n nearest to 7.95 is 1 x 101 = 10 ug/l, so the calculated ML, rounded to the nearest whole number, is 10 ug/l.)

11. NODI(B): A "NODI(B)" means that the concentration of the pollutant in a sample (or all members of a set of samples) is not detected. NODI(B) is reported when a sample result is less than the laboratory's MDL.

12. NODI(Q): A "NODI(Q)" means that the concentration of the pollutant in a sample (or all members of a set of samples) is too low to be quantifiable, but that the pollutant is still detectable. NODI(Q) is reported when a sample result is greater than the laboratory's MDL but below the laboratory's Practical Quantitation Level (PQL)

Attachment C: Location Maps

Map 1)



These maps show:

1) The general location of the Samoan island chain; consisting of the Independent State of Samoa (also known as Western Samoa), and the U.S. territory of American Samoa

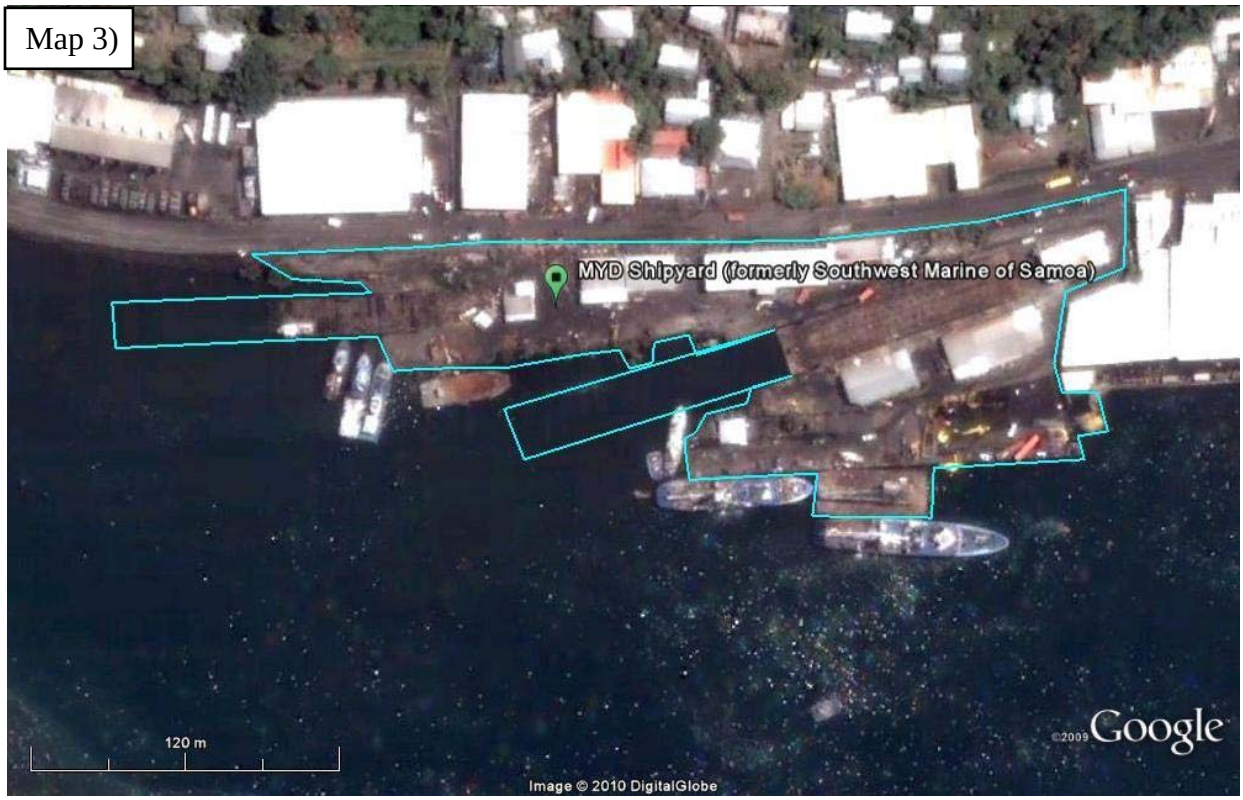
2) Tutuila Island, the largest island in American Samoa, with the location of MYD Shipyard marked

3) An overhead view of the MYD Shipyard facility

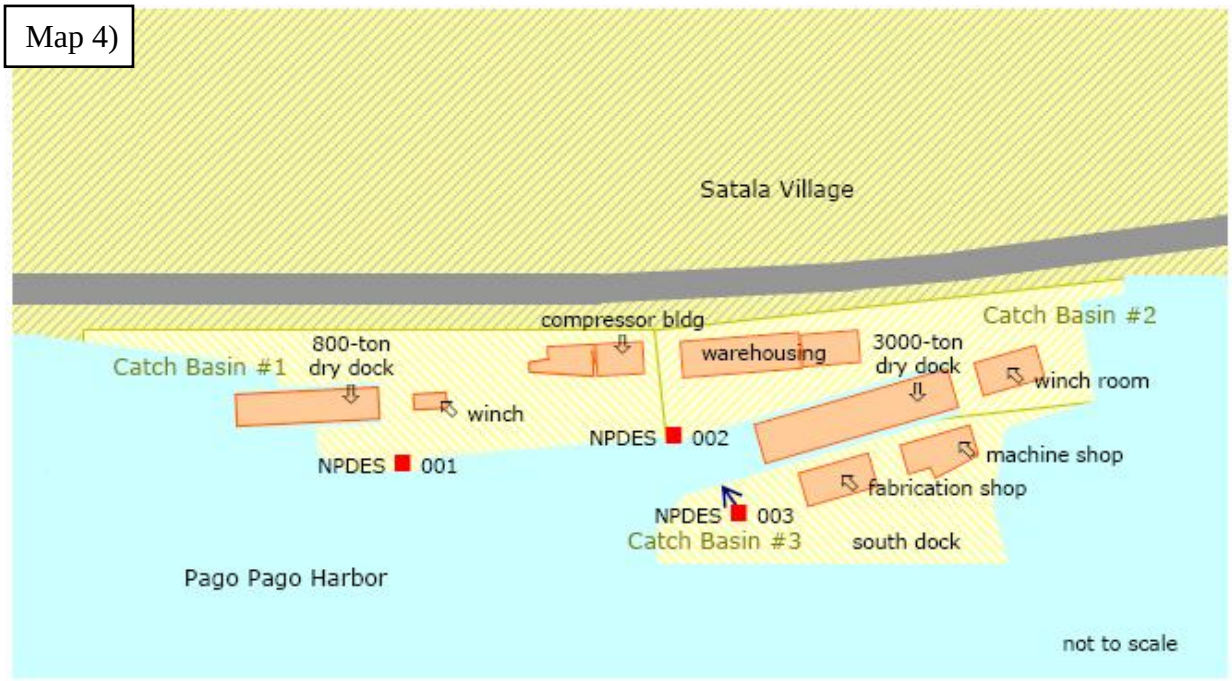
4) A diagram indicating the various structures and catchment basins at MYD Shipyard, with NDPES discharge points / compliance points marked

Map 2)

Map 3)

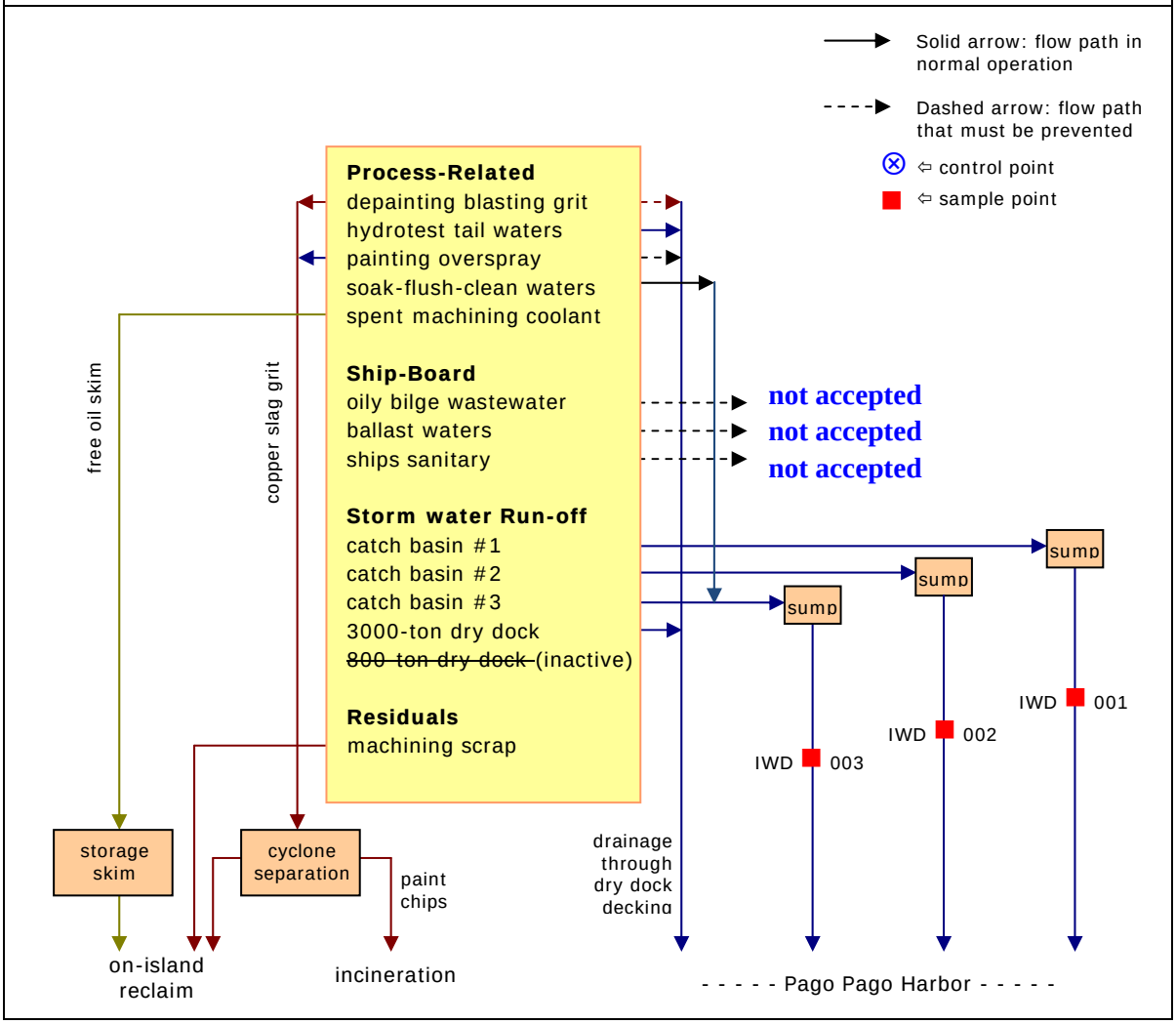

MYD Shipyard (formerly Southwest Marine of Samoa)
120 m
Image © 2010 DigitalGlobe
©2009 Google

Map 4)


Satala Village
compressor bldg
Catch Basin #2
Catch Basin #1
800-ton
dry dock
warehousing
3000-ton
dry dock
winch room
winch
NPDES 002
NPDES 001
machine shop
fabrication shop
NPDES 003
Catch Basin #3
south dock
Pago Pago Harbor
not to scale

Attachment D: Wastewater Flow Schematic

MYD Samoa Shipyard – Operating Configuration as of mid-year 2009



Schematic illustration of MYD Samoa shipyard waste streams. The right-hand half of the diagram summarizes the flows and contaminant sources regulated by this NPDES permit.