

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

**AUTHORIZATION TO DISCHARGE
AND LANDFILL SEWAGE SLUDGE (BIOSOLIDS) UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; CWA), the

**Cow Creek Gaming Center Wastewater Treatment Plant
146 Chief Miwaleta Lane
Canyonville, Oregon 97417**

is authorized to discharge from a facility located in Canyonville, Oregon (latitude: 42° 56' 29"; longitude: 123° 17' 04")

to receiving waters named the South Umpqua River from November 1 through April 30,

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

is authorized to landfill treated biosolids,

in accordance with disposal sites, specific limitations, monitoring requirements, management practices, and other conditions set forth herein.

This permit shall become effective March 15, 1999.

This permit and the authorization to discharge and landfill treated biosolids shall expire at midnight, March 15, 2004.

Signed this 9th day of February, 1999.

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

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I. SPECIFIC LIMITATIONS

A. Effluent Limitations.

1. During the effective period of this permit and from November 1 through April 30, the permittee is authorized to discharge from Outfall 001, subject to the restrictions set forth herein. This permit does not authorize discharge from May 1 through October 31. This permit also 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. The facility may discharge waste streams and pollutants associated with operations which would not require notification under Part V.A. Notice of New Introduction of Pollutants of this permit.
2. The discharge shall be free from objectionable discoloration, scum, oily sleek or floating solids. The discharge shall not cause appreciable bottom or sludge deposits.
3. The effluent pH range shall be between 6.5 - 8.5 standard units.
4. The following maximum effluent limits shall apply:

Table I-1: Outfall 001 Effluent Limitations					
Effluent Characteristic	Unit of Measurement	Monthly Average	Weekly Average	Daily Maximum	% Removal
Biochemical Oxygen Demand (BOD ₅)	mg/L	30	45	---	≥85
	lbs/day	22	33	---	--
Total Suspended Solids (TSS)	mg/L	30	45	---	≥85
	lbs/day	22	33	---	--
E. coli ¹	#/100 mL	126	---	406	--
<ol style="list-style-type: none"> 1. The monthly average limit shall be reported as a monthly log mean. If a single bacteria sample exceeds the daily maximum limit, then five consecutive re-samples shall be taken at four hour intervals beginning as soon as practical (preferably within 28 hours) after the original sample was taken. If the log mean of the five re-samples is less than or equal to the monthly average limit, a violation shall not be triggered. 					

5. Percent removal of BOD₅ and TSS shall be reported on the quarterly Discharge Monitoring Report (DMR). For both BOD₅ and TSS, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month.

II. BIOSOLIDS/SEPTAGE MANAGEMENT REQUIREMENTS

A. Septage and Biosolids Requirements

1. Acceptance of waste. The Wastewater Treatment Plant (WWTP) shall not accept biosolids, septage, and grease trap waste from other treatment works, commercial establishments or domestic sewage septic tanks unless written approval is obtained from EPA.
2. Permit modification. The Permittee must apply for a permit modification 180 days before making a major change in biosolids or septage management (40 CFR 122.21).

B. Septage Requirements

1. State laws and federal standards. The permittee shall comply with all existing federal and state laws and regulations that apply to septage use or disposal. The materials from the septic tank shall comply with state regulations regarding classification and disposal. The permittee shall take all reasonable steps to ensure that the septage is disposed of by a solids material handler that complies with any operating procedures such as operating permits, operating approvals, or compliance schedules.
2. Monitoring and recording. The permittee shall conduct a one time test, during the first effective year of the permit, of the septage from the WWTP for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc.

C. Biosolids Requirements

1. State laws and federal standard. The permittee shall comply with all existing federal and state laws and regulations that apply to biosolids use or disposal. The permittee shall take all reasonable steps to ensure that biosolids are disposed of in a Municipal Solid Waste Landfill (MSWLF) unit that complies with 40 CFR 258 and Subtitle D of RCRA (56 FR 50978) including any biosolids operating procedures such as operating

permits, operating approvals, or compliance schedules. The permittee shall ensure that the federal requirements of 40 CFR 258 (Subpart C, 258.28); 40 CFR 261 (Subpart A, 261.3 and Subpart C, 261.24); and 40 CFR 503 (Subpart A, 503.1-7 & 9) are met when the biosolids are delivered, stored, handled or disposed of in a MSWLF unit (refer to Appendix A).

2. Public health and environment. The permittee shall handle and dispose of biosolids in such a manner so as to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
3. Surface water. The permittee shall ensure pollutants from the biosolids do not reach waters of the United States (40 CFR 122.2).
4. Biosolids disposal. When utilized for disposal, the biosolids shall be deposited within or directly over the MSWLF “unit” and not in a separate unit, pile, lagoon, or trench either exclusively for biosolids, or in combination with some waste or material other than municipal solid waste. If consistent with the state and local agency landfill operating plan, biosolids may be used in mixed or unmixed form as daily or interim cover, and including use as part of bulk final cover only if premixed with cover material in such a way that it is not used for growing vegetation.
5. Monitoring and recording. Biosolids from the WWTP may be sent to a MSWLF provided the biosolids are non-hazardous and do not contain “free liquids” as defined by EPA test method 9095 in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846).

III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Monitoring Requirements.

1. The following monitoring requirements shall apply to Outfall 001 from November 1 through April 30:

Table III-1: Outfall 001 Monitoring Requirements				
Effluent Parameter	Unit of Measurement	Sample Location¹	Sample Frequency	Sample Type
Flow	mgd	Influent or Effluent	Continuous	Recording

Table III-1: Outfall 001 Monitoring Requirements				
Effluent Parameter	Unit of Measurement	Sample Location¹	Sample Frequency	Sample Type
pH ²	standard units	Effluent	2/week	Grab
BOD ₅	mg/L lbs/day	Influent and Effluent	1/week	24 hr. Composite
TSS	mg/L lbs/day	Influent and Effluent	1/week	24 hr. Composite
E. coli	#/100 mL	Effluent	1/week	Grab
Total Ammonia as N	mg/L	Effluent	1/month	24 hr. Composite
Temperature	°C	Effluent	1/month	Grab
1. Influent and effluent composite samples shall be collected during the same 24-hour period. 2. The Permittee shall report the pH values and number and duration of pH excursions during the quarter with the DMR for that quarter.				

2. The permittee shall collect and analyze (untreated, partially treated, class A or B) samples of biosolids that are placed in a MSWLF unit as follows:
 - a. Biosolids shall be sampled often enough to represent biosolid quality; at least once before disposal in a MSWLF;
 - b. Samples shall be analyzed according to Part 258.28 (Paint Filter Test). The exclusion of hazardous waste shall be in accordance with the definition of hazardous waste found in 40 CFR 261.1 and potentially 261.24 (Toxicity Characteristic Leaching Procedure). Samples shall be taken prior to disposal in a MSWLF.
3. Sample results shall be included in the quarterly DMR following the test.
3. The permittee shall collect and analyze a sample of septage from the septic tank during the first effective year of the permit for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. Sample results shall be included in the quarterly DMR following the test.
4. An upstream sampling station shall be established, at a point representative of stream quality, above the influence of the facility's discharge. The

sampling station shall be submitted to EPA and included on the quarterly DMRs. Ambient monitoring, from November 1 through April 30, consistent with the following requirements, shall begin 6 months from the effective date of this permit and occur within the same 24 hour period as the effluent sampling for total ammonia and temperature:

Table III-2: Ambient Monitoring Requirements				
Effluent Parameter	Unit of Measurement	Sample Location	Sample Frequency	Sample Type
pH	standard units	Upstream	1/month	Grab
Total Ammonia as N	mg/L	Upstream	1/month	24 hr. Composite
Temperature	°C	Upstream	1/month	Grab

B. Representative Sampling.

1. Effluent samples taken in compliance with the monitoring requirements established under Section III.A shall be collected from the effluent stream after the last treatment unit and prior to discharge into the receiving waters. Sampling is required whenever a bypass, spill, or non-routine discharge of pollutants occurs, if such discharge may reasonably be expected to cause or contribute to a violation of an effluent limit under the permit. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
2. Biosolid samples used to measure compliance under Section III.A of this permit shall be representative of the variability in biosolids quality generated at the treatment works considering location, season, processing, and handling.

C. Quality Assurance Requirements.

1. The permittee shall develop a Quality Assurance Plan (QAP). The primary purpose of the QAP shall be to assist in planning for the collection and analysis of samples in support of the permit and in explaining data anomalies when they occur.
2. 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. The following references may be helpful in preparing the QAP for this permit:

The Volunteer Monitors Guide to Quality Assurance Project Plans, EPA 841-B-96-003, September 1996.

3. The plan shall be submitted to the EPA within 120 days of the effective date of this NPDES permit.
4. At a minimum, the plan shall include the following items:
 - a. 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, standards, and spare parts),
 - e. Qualification and training of personnel taking samples,
 - f. Analytical methods (including quality control checks and detection levels).
5. The permittee shall amend the QAP whenever there is a modification in the sample collection, the sample analysis, or conditions or requirements of the QAP.
6. Name(s), address(es), and telephone number(s) of the laboratories, used by or proposed to be used by the permittee, shall be specified in the QAP.
7. Copies of the QAP shall be kept on site and shall be made available to the EPA upon request.
8. The permittee shall require the laboratory director of each laboratory providing measurement results in support of this permit to sign and submit to the EPA the following statement on a quarterly basis with the DMR:

I certify that this data is in compliance with requirements under 40 CFR 136 and other analytical requirements specified in NPDES permit No. OR-003409-6.

Signature: _____ Date: _____

- D. 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. Biosolids sampling procedures shall follow those outlined in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, 2nd Edition (1982) with Updates I (April 1984) and II (April 1985) and 3rd Edition (November 1986) with Revision I (December 1987) Methods 1311 (Toxicity Characteristic Leaching Procedure) and 9095 (Paint Filter Test).
- E. Reporting of Monitoring Results.
1. Outfall 001 effluent monitoring and ambient monitoring data shall be summarized each calendar quarter on the DMR form (EPA No. 3320-1). The quarterly effluent and ambient monitoring reports, and biosolids monitoring (if required) shall be submitted to the EPA postmarked by the 10th day following the third month of the calendar quarter in which the monitoring was done. Biosolids monitoring shall be reported in the subsequent quarterly DMR following disposal. Biosolid monitoring shall include the amounts of biosolids disposed or used in the MSWLF unit(s) and the location(s) biosolids were stockpiled, transferred, disposed of or used.
 2. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of section V.I Signatory Requirements, and submitted to the Director, Office of Water at the following address:

original to: United States Environmental Protection Agency (EPA)
Region 10
1200 Sixth Avenue, OW-133
Seattle, Washington 98101
- F. 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 13 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.

G. Records Contents.

1. Records of effluent monitoring shall include:
 - a. The date, exact place, and time of sampling or measurements,
 - b. The individual(s) who performed the sampling or measurements,
 - c. The date(s) analyses were performed,
 - d. The individual(s) who performed the analyses,
 - e. The analytical techniques or methods used, and
 - f. The results of such analyses.

2. Records of biosolids disposal shall include:
 - a. The site location(s) (street address or nearest intersection, section/township/range, and latitude and longitude or approximate center with distance in meters to most distant corner) of each MSWLF utilized, and any storage facilities used,
 - b. The name, address, and telephone number of the operator of the MSWLF and any storage facilities utilized,
 - c. The amount of biosolids (tons, dry weight) delivered to each MSWLF, and/or storage facility, and
 - d. The results of free liquid tests, and results of any other tests of the biosolids such as for hazardous characteristics, PCBs, or other constituents.

H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the

Director at any time. Data collected on-site, copies of DMRs, and a copy of this NPDES permit must be maintained on-site for five years or the life of the permit, whichever is longer.

- I. Penalties for Tampering. 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 per violation, or by imprisonment for not more than two years per violation, or both. A second conviction is punishable by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

- J. Twenty-four Hour Notice of Noncompliance Reporting.
 1. The following occurrences of noncompliance shall be reported by telephone as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances.
 - a. Any noncompliance which may endanger public health or the environment,
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See section IV.G. Bypass of Treatment Facilities.),
 - c. Any upset which exceeds any effluent limitation in the permit (See section IV.H. Upset Conditions.), or
 - d. Any violation of a daily maximum discharge limitation for any of the pollutants listed in the permit.

 2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause,
 - b. The period of noncompliance, including exact dates and times,
 - c. The estimated time noncompliance is expected to continue if it has not been corrected, and

- d. Steps taken or planned to reduce, eliminate, and prevent re-occurrence of the noncompliance.
 3. The Director may waive the written report on a case-by-case basis if the telephone report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, (206) 553-1846.
 4. Reports shall be submitted to the address in section III.E Reporting of Monitoring Results.
- K. 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.A and B are submitted. The reports shall contain the information listed in section III.J.2.
- L. Inspection and Entry. The permittee shall allow the Director or an authorized representative thereof (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/or
 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.
- M. Design Criteria Requirement. The design criteria for the permitted facility is as follows:

Table III-3: Design Criteria for Cow Creek Gaming Center WWTP		
Criteria	Value	Units
Average Flow	0.0865	mgd
Influent BOD ₅ Loading	360	lbs/day
Influent TSS Loading	360	lbs/day

Each calendar year, the permittee shall compute an annual average value for flow, and BOD₅ and TSS loading entering the facility based on the previous twelve months data or all data available, whichever is less. This information shall be submitted by April 10th along with the first calendar quarter DMR. If the facility performs plant upgrades that affect design criteria listed in Table III-2, only data collected after the upgrade should be used in determining the annual average value. When the average annual values exceed 85% of the design criteria values listed in Table III-2, the permittee shall develop a facility plan and schedule within one year from the date of first exceedence. The plan must include the permittees strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.

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 CWA and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal. 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 section IV.G. Bypass of Treatment Facilities and section 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 Act 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 Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).

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 the CWA or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the 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 disposal, in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed, or used, by the permittee to achieve compliance with the conditions of this permit. Inspection of the septic tank(s) shall occur annually, and grease traps semi-annually. Proper operation and maintenance

includes adequate laboratory controls, appropriate quality assurance procedures, and disposal procedures for the biosolids. 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. Supervision of the WWTP shall be by one or more operators who are certified at a minimum of a Class I in collection and treatment systems. This supervisor must have a standard certificate (a provisional certificate is not appropriate). A supervisor is defined as the person exercising authority for establishing and executing the specific practice and procedures of operating the system in accordance with the policies of the permittee and requirements of the NPDES permit. When the supervisor is unavailable for more than 30 days, the permittee must make available another person who is certified at no less than a Class I. For the second person, a provisional certificate is acceptable.

Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance practices and develop a plan. The Plan shall be retained on site and made available to the EPA upon request and shall be revised as new practices are developed.

- 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 waters of the United States.
- 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 section III.J. Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of Bypass.

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

H. Upset Conditions.

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset,
 - b. The permitted facility was at the time being properly operated,

- c. The permittee submitted notice of the upset as required under section III.J. Twenty-four Hour Notice of Noncompliance Reporting, and
 - d. The permittee complied with any remedial measures required under section 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.

V. GENERAL REQUIREMENTS

A. Notice of New Introduction of Pollutants.

1. The permittee shall provide adequate notice to the Director, Office of Water, of:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants, and
 - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
2. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works, and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

B. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

1. Wastes which will create a fire or explosion hazard in the treatment works,

2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the treatment works is designed to accommodate such wastes,
 3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works,
 4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency, and
 5. Any pollutant, including oxygen demanding pollutants (e.g., BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. 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 or land applied. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,
 2. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.
- D. Anticipate Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- E. 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, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- F. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

- G. 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.
- H. 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.
- I. Signatory Requirements.
1. All applications, reports, or information submitted to the Director shall be signed and certified.
 2. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 3. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
 4. Changes to authorization. If an authorization under paragraph IV.I.3 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.I.3. must be submitted to the Director prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

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

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

- J. Availability or Reports. Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the CWA, permit applications, permits, and data necessary to determine compliance with the permit conditions or applicable Federal or State biosolids regulations shall not be considered confidential.
- K. 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.
- L. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private infringement of federal, state, or local laws or regulations.
- M. 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.
- N. 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 N.2. above.
- O. State or Federal 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 CWA or any applicable Federal or State transportation regulations, such as, but not limited to, the Department of Transportation regulations.
- P. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate biosolids limitations, management practices, other appropriate requirements to protect public health and the environment, or if there have been substantial changes (or such changes are planned) in biosolids use or disposal practices; applicable management practices or numerical limitations for pollutants in biosolids have been promulgated; and/or it has been determined that the permittee's biosolids use does not comply with existing applicable federal regulations.

VI. DEFINITIONS

1. "Annual Average" means the sum all values reported in a 12 month period divided by the number of values.
2. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
4. "Biosolids" means any sewage sludge or material derived from sewage sludge.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

6. “Calendar quarter” means the three-month period consisting of January/February/March, April/May/June, July/August/September or October/November/December.
7. “CWA” means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4.
8. “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.
9. “Daily Maximum” is the maximum value allowable in any single sample or instantaneous measurement.
10. “Director” means Director of the United States Environmental Protection Agency, Office of Water.
11. “EPA” means the United States Environmental Protection Agency.
12. “Grab” sample, for monitoring requirements, is a single “dip and take” sample or measurement taken at a specific time or over as short a period of time at a representative point anywhere in wastewater treatment.
13. “Grit and Screenings” are sand, gravel, cinders, and other materials with a high specific gravity and relatively large materials such as rags generated during preliminary treatment of domestic sewage at a treatment works and shall be disposed of according to 40 CFR 258.
14. “Monthly Average” is the arithmetic mean of all measurements taken during the month.
15. “Monthly Log Mean” is the value acquired from taking the summation of the monthly log values, dividing that value by the number of monthly values, and then taking the anti-log of that value.

16. “Not Permitted” means not approved under this permit. It usually refers to either a practice for which the permittee did not apply to utilize, or has not prepared procedures complying with the federal standards or requirements of others.
17. “Paint Filter Test” is a test (SW 9095) where a predetermined amount of biosolids are placed in a paint filter. If any portion of the material passes through the filter in a five minute test period, the material is deemed to contain free liquids.
18. “Pathogen” means an organism that is capable of producing an infection or disease in a susceptible host.
19. “Pollutant” for the purposes of this permit is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organisms that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could, on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including a malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
20. “Sewage Sludge” means solid, semi-solid, or liquid residues generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a Treatment Works. Sewage sludge (biosolids) includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from biosolids. Biosolids do not include ash generated during the incineration of biosolids or grit and screenings generated during preliminary treatment of domestic sewage in a Treatment Works. These must be disposed of in accordance with 40 CFR 258.
21. “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.
22. “Treatment Works” are either Federally owned, publicly owned, or privately owned devices or systems used to treat (including recycling and reclamation) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

23. A “24-hour composite” sample shall mean a flow-proportioned mixture of not less than eight 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*.
24. “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.
25. “Vector Attraction” is the characteristic of biosolids that attracts rodents, flies, mosquitos or other organisms capable of transporting infectious agents.

APPENDIX A - BIOSOLIDS/SEPTAGE

PART 258-CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

1. Subpart C - Operating Criteria
258.28 Liquids restrictions

PART 261-IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. Subpart A - General
261.3 Definition of hazardous waste.
2. Subpart C - Characteristics of Hazardous Waste
261.24 Toxicity characteristic.

PART 503 - STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE

1. Subpart A - General Provisions.
 - 503.1 Purpose and applicability
 - 503.2 Compliance period
 - 503.3 Permits and direct enforceability
 - 503.4 Relationship to other regulations
 - 503.5 Additional or more stringent requirements
 - 503.6 Exclusions
 - 503.7 Requirement for a person who prepares sewage sludge
 - 503.9 General definitions