

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

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM**

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

Tulalip Tribes of Washington, Inc.  
Tulalip Utilities District # 1  
Wastewater Treatment Facility

is authorized to discharge from a facility located at Marysville, Washington, latitude: 48° 02' 41"; longitude: 122° 18' 41"

to receiving waters named Possession Sound (Puget Sound)

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

This permit shall become effective March 5, 2001.

This permit and the authorization to discharge and transfer sewage sludge shall expire at midnight, March 6, 2006.

Signed this 31<sup>st</sup> day of January 2001.

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

## TABLE OF CONTENTS

	<u>Page</u>
I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS .....	4
A. <u>Interim Effluent Limitations</u> .....	4
B. <u>Final Effluent Limitations</u> .....	5
C. <u>Effluent Monitoring Requirements</u> .....	6
D. <u>Special Effluent Monitoring Requirements</u> .....	6
E. <u>Final Design Criteria Requirement</u> .....	7
F. <u>Compliance Schedules</u> .....	8
G. <u>Quality Assurance Requirements</u> .....	9
H. <u>Sludge Management Requirements</u> .....	10
I. <u>Definitions</u> .....	12
II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS .....	16
A. <u>Representative Sampling</u> .....	16
B. <u>Monitoring Procedures</u> .....	16
C. <u>Reporting of Monitoring Results</u> .....	16
D. <u>Additional Monitoring by the Permittee</u> .....	17
E. <u>Record Contents</u> .....	17
F. <u>Retention of Records</u> .....	17
G. <u>Twenty-four Hour Notice of Noncompliance Reporting</u> .....	18
H. <u>Other Noncompliance Reporting</u> .....	19
I. <u>Compliance Schedule Reporting</u> .....	20
III. COMPLIANCE RESPONSIBILITIES .....	20
A. <u>Duty to Comply</u> .....	20
B. <u>Penalties for Violations of Permit Conditions</u> .....	20
C. <u>Need to Halt or Reduce Activity Not a Defense</u> .....	21
D. <u>Duty to Mitigate</u> .....	21
E. <u>Proper Operation and Maintenance</u> .....	21
F. <u>Removed Substances</u> .....	21
G. <u>Bypass of Treatment Facilities</u> .....	21
H. <u>Upset Conditions</u> .....	22
I. <u>Inspection and Entry</u> .....	23
IV. GENERAL REQUIREMENTS .....	24
A. <u>Notice of New Introduction of Pollutants</u> .....	24
B. <u>Toxic Pollutants</u> .....	24
C. <u>Control of Undesirable Pollutants</u> .....	25
D. <u>Requirements for Industrial Users</u> .....	25
E. <u>Planned Changes</u> .....	26
F. <u>Anticipated Noncompliance</u> .....	26

G. Permit Actions ..... 26

H. Duty to Reapply ..... 26

I. Duty to Provide Information ..... 26

J. Other Information ..... 26

K. Signatory Requirements ..... 26

L. Availability of Reports ..... 27

M. Oil and Hazardous Substance Liability ..... 28

N. Property Rights ..... 28

O. Severability ..... 28

P. Transfers ..... 28

Q. State or Federal Laws ..... 28

R. Reopener Provision ..... 28

**APPENDIX A.** Part 503 Regulations ..... A-1

**LIST OF TABLES**

Table 1: Interim Effluent Limitations ..... 4

Table 2: Final Effluent Limitations ..... 5

Table 3: Effluent Monitoring Requirements ..... 6

Table 4: Special Effluent Monitoring Requirements ..... 7

Table 5: Final Design Criteria for Tulalip Facility ..... 8

Table A-1: Subpart B Requirements Applicable to Generators ..... A-1

## I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Interim Effluent Limitations.

1. During the period beginning on the effective date of this permit and lasting until the date of completion of the renovation and return to service of the original oxidation ditch and secondary clarifier as described in Section I.F below, the permittee is authorized to discharge an average monthly flow of 308,000 gallons per day from Outfall 001, in accordance with the restrictions set forth in Section I.A of this permit. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. There shall be no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.
3. The pH range shall be between 6.0 - 9.0 standard units.
4. The following effluent limits shall apply as maxima:

Table 1: Interim Effluent Limitations					
Effluent Characteristic	Unit of Measurement	Monthly Average	Weekly Average	Daily Maximum	% Removal
Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	30	45	--	≥85
	lbs/day	77	116	--	--
Total Suspended Solids (TSS)	mg/L	30	45	--	≥85
	lbs/day	77	116	--	--
Fecal Coliform <sup>1</sup>	#/100 mL	200	400	--	--
Chlorine, Total Residual <sup>2</sup>	mg/L	0.31	--	0.87	--
	lbs/day	0.80	--	2.23	--
<p>1. Report as the geometric mean. The average monthly fecal coliform count must not exceed a geometric mean of 200 colonies/100 ml. The average weekly fecal coliform count must not exceed a geometric mean of 400 colonies/100 ml.</p> <p>2. Interim effluent limitations for total residual chlorine shall expire one year from the effective date of the permit. The final effluent limitations contained in I.B shall apply upon expiration of the interim effluent limitations.</p>					

5. Percent removal of BOD<sub>5</sub> and TSS shall be reported monthly on the Discharge Monitoring Report (DMR). For both BOD<sub>5</sub> 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.

B. Final Effluent Limitations.

1. Subject to the completion of the renovation and return to service of the original oxidation ditch and secondary clarifier as described in Section I.F below, the permittee is authorized to discharge an average monthly flow of 616,000 gpd from Outfall 001, in accordance with the restrictions set forth in Section I.B of the permit. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. There shall be no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.
3. The pH range shall be between 6.0 - 9.0 standard units.
4. The following effluent limits shall apply as maxima:

Table 2: Final Effluent Limitations					
Effluent Characteristic	Unit of Measurement	Monthly Average	Weekly Average	Daily Maximum	% Removal
Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	30	45	--	≥85
	lbs/day	154	231	--	--
Total Suspended Solids (TSS)	mg/L	30	45	--	≥85
	lbs/day	154	231	--	--
Fecal Coliform <sup>1</sup>	#/100 mL	200	400	--	--
Chlorine, Total Residual <sup>2</sup> (TRC)	mg/L	0.006	--	0.017	--
	lb/day	0.031	--	0.087	--
<p>1. Report as the geometric mean. The average monthly fecal coliform count must not exceed a geometric mean of 200 colonies/100 ml. The average weekly fecal coliform count must not exceed a geometric mean of 400 colonies/100 ml.</p> <p>2. Since permit limits are below the EPA <i>minimum level</i> for TRC, the permittee will be in considered in compliance with TRC effluent limits when the daily maximum and monthly average are below the EPA <i>minimum level</i> for TRC of 100 µg/l (0.10 mg/l).</p>					

5. Percent removal of BOD<sub>5</sub> and TSS shall be reported monthly on the Discharge Monitoring Report (DMR). For both BOD<sub>5</sub> 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.

C. Effluent Monitoring Requirements.

1. During the period beginning on the effective date of this permit, and lasting until the expiration, the following monitoring requirements shall apply:

<b>Effluent Parameter</b>	<b>Unit of Measurement</b>	<b>Sample Location</b>	<b>Sample Frequency</b>	<b>Sample Type</b>
Flow	mgd	Influent	Continuous	Recording
BOD <sub>5</sub>	mg/L lbs/day	Influent and Effluent	2/week	24 hr. Composite <sup>1</sup>
TSS	mg/L lbs/day	Influent and Effluent	2/week	24 hr. Composite <sup>1</sup>
Dissolved Oxygen	mg/L	Effluent	2/week	Grab
Fecal Coliform Bacteria	#/100 mL	Effluent	5/week	Grab
Chlorine, Total Residual	mg/L	Effluent	Daily	Grab
Temperature	°C	Effluent	Daily	Grab
pH	standard units	Effluent	Daily	Grab

1. 24-hour composite samples shall consist of not fewer than eight discrete flow-proportional aliquots collected over a twenty-four hour period. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in *Standard Methods for the Examination of Water and Wastewater*, 18th Edition.

2. Effluent samples shall be collected after the last treatment unit prior to discharge.
3. Influent and effluent composite samples shall be collected during the same 24-hour period.

D. Special Effluent Monitoring Requirements.

1. During the period beginning on the effective date of the permit, and lasting until the expiration, the following monitoring requirements shall apply:

<b>Effluent Parameter</b>	<b>Unit of Measurement</b>	<b>Sample Location</b>	<b>Sample Frequency<sup>1</sup></b>	<b>Sample Type</b>
Copper	ug/L	Effluent	2/year	24 hr. Composite
Mercury	ug/L	Effluent	2/year	24 hr. Composite
Silver	ug/L	Effluent	2/year	24 hr. Composite

1. Samples for metals shall be collected 2 times per year for five years after the effective date of the permit, once in summer and once in winter.

2. Effluent samples shall be collected after the last treatment unit prior to discharge.
3. Composite samples shall be collected during the same 24-hour period and shall consist of not fewer than eight discrete flow-proportional aliquots collected over a twenty-four hour period. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in *Standard Methods for the Examination of Water and Wastewater*, 18th Edition.
4. Metals sampling shall be conducted using the clean techniques described in *Characterization of Trace Metals in Wastewater Effluents and Ambient Receiving Waters Using "Clean" Sampling Techniques*, (Waddle, Robert D., 1995. Environment Laboratory Solutions, Vol. 2 No. 4, May/June 1995).
5. Metals and priority pollutants shall be analyzed as specified in *40 CFR part 136*. Metals shall be analyzed and reported as total recoverable metals and shall reflect the most sensitive techniques for the method.
6. A full report that includes the results of all metals testing shall be submitted with the permit renewal application.

E. Final Design Criteria Requirement.

The final design criteria for the permitted facility after renovations of the original oxidation ditch and secondary clarifiers are completed and the units are returned to service is as follows:

<b>Criteria</b>	<b>Value</b>	<b>Units</b>
Average Flow	0.616	mgd

<b>Table 5: Final Design Criteria for Tulalip Facility</b>		
<b>Criteria</b>	<b>Value</b>	<b>Units</b>
Influent BOD <sub>5</sub> Loading	1,000	lbs/day
Influent TSS Loading	1,200	lbs/day

Each month, the permittee shall compute an annual average value for flow, and BOD<sub>5</sub> and TSS loading entering the facility based on the previous twelve months data or all data available, whichever is less. When the facility completes the plant renovations that affect design criteria listed in Table 5, 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 5, the permittee shall develop a facility plan and schedule within one year from the date of first exceedance. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and shall be made available to the Director or authorized representative upon request.

F. Compliance Schedules.

1. Interim effluent limitations contained in Section I.A shall apply until such time as the permittee has returned to service the original oxidation ditch and original two clarifiers. Upon return to service of these units, the final effluent limitations contained in Section I.B shall become effective, reflecting an increase in capacity of the wastewater treatment plant. The permittee shall submit a report indicating the nature of the repairs and renovations, the dates completed and the date the units have been returned to service to EPA, Office of Water within 14 days of completion of the return to service.
2. The final effluent limitation for total residual chlorine shall apply one year from the effective date of the permit.
3. Reporting. The permittee shall notify the Director, in writing, of its compliance or noncompliance with compliance schedule requirements and with interim and final effluent loading limitations. If the facility has not been able to comply with the dates of compliance, the permittee must include the reason for noncompliance and a plan for achieving compliance in the written notification to the Director. The notification shall be submitted to the EPA no later than 14 days following each date of compliance.

G. Quality Assurance Requirements.



1. The permittee shall develop a Quality Assurance Plan (QAP) for all monitoring requirements identified in the permit. The permittee shall complete and implement the QAP within 180 days of the effective date of the permit.
2. At a minimum, the plan shall include the following:
  - Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.)
  - Sample preservation methods,
  - Sample shipment procedures,
  - Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts),
  - Qualification and training of personnel,
  - Analytical test methods that achieve the method detection limits in 40 CFR 136 (including quality control checks, quantification, detection levels), and
  - A plan and schedule that the permittee will implement to re-span the Manning sonic flow meter to 1.2 mgd = 100% within three months of permit issuance, and at least annually thereafter to ensure its proper functionality.
3. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5, *Guidance on Quality Assurance Project Plans*, EPA QA/G-5, and for metals analysis, *Characterization of Trace Metals in Wastewater Effluents and Ambient Receiving Waters Using "Clean" Sampling Techniques*. (Waddle, Robert D. 1995. Water Environment Federation Laboratory Solutions. Vol. 2 No. 4. May/June 1995.)
4. The permittee shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP shall be kept on site and made available to EPA upon request.

H. Sludge Management Requirements.

During the period beginning on the effective date of this permit, and lasting until permit expiration, the following sludge management requirements shall apply:

1. The permittee shall handle and dispose of sewage sludge in such a manner so as to protect public health and the environment from reasonably anticipated adverse effects due to any toxic pollutants which may be present in the sludge.
2. The permittee shall comply with all existing federal and state laws and regulations that apply to its sewage sludge use and disposal practice(s), and with all future standards promulgated under Section 405(d) of the Clean Water Act.
3. The permittee shall ensure that pollutants from the sludge do not reach surface waters of the United States.
4. Sludge from the Tulalip Utilities District # 1 Wastewater Treatment Facility (the generator) may be transferred to the Metropolitan King County East Section Reclamation Plant at Renton (Metro-Renton Plant), or to another duly authorized disposal facility, for processing and disposal only in accordance with the provisions of 40 CFR Part 503, the requirements of this permit, and the requirements of the City of Renton NPDES permit (No. WA-0029581)
5. The permittee must ensure that the use or disposal of the Tulalip Utilities District #1 Wastewater Treatment Facility sludge is in accordance with the requirements of 40 CFR Part 503. Efforts to ensure compliance shall include, but not be limited to, the following elements:
  - a. The permittee shall manage the sludge feed to the Metro-Renton Plant, or any other recipient, to prevent harm to public health or the environment and to ensure compliance with 40 CFR Part 503 by the generator and recipient of the sludge.

This permit may be reopened to incorporate additional limits to prevent violations of 40 CFR part 503, or harm to the environment or public health, due to feed mismanagement.
  - b. Sludge may not be transferred to the Metro-Renton Plant, or any other recipient, at times when the sludge treatment and disposal practices at the recipient facility are not in compliance with paragraph I.I.2., above, or any current or future sludge conditions in this permit or the recipient facility's permit.
  - c. Sludge delivery shall be suspended or discontinued upon receipt of written instructions from EPA. If any other appropriate authority submits a written request to the sludge generator or recipient to

suspend or cease any activities associated with sludge management, the permittee shall deliver a copy of this request to EPA within 12 hours of receiving the request. The term "appropriate authority" includes any federal, state, or local agency with regulatory authority over sludge management at either the generator or recipient facility.

The permittee may only resume delivery of sludge upon receipt of written authorization from EPA.

- d. For sludge transferred to a sludge processing facility, such as composting, metals in sludge must meet Table 3 in 40 CFR 503.13 or alternative limits established by the receiving facility.
6. The permittee shall collect and analyze samples of sewage sludge that is transferred to the Metro-Renton Plant as follows:
- a. The samples shall be representative of the variability in sludge quality considering location, season, processing, and handling;
  - b. At a minimum, the sewage sludge shall be sampled annually or more frequently in accordance with 40 CFR Part 503.16.
  - c. Samples shall be analyzed for the parameters listed in Table 3 of 40 CFR Part 503.13 (arsenic, cadmium, copper, lead, mercury, nickel, selenium, and zinc), or alternatively, samples shall be analyzed for the parameters specified by contract with the Metropolitan King County;
  - d. The sewage sludge shall be sampled at or immediately before the point of discharge into the sludge transport vehicle, or at or immediately before the point of discharge from the transport vehicle to the recipient facility.
  - e. Sampling protocols shall follow procedures 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); and
  - f. Analytical protocols shall be in accordance with 40 CFR Part 503.8.
  - g. The permittee shall submit a report to EPA on February 19 of each year that includes the results of sludge sampling as well as the

amount of sludge (tons/dry weight) delivered to each recipient facility. Sample results for total metals shall be reported for each metal in mg/kg dry weight.

7. Sludge shall not be transferred or distributed to locations, projects, or areas not covered by this permit. To transfer sludge to locations, projects, or areas not covered in this permit, the permittee shall request a modification of their NPDES permit to cover the additional management options. A request for permit modification shall be submitted 180 days prior to implementation of alternative management options.

I. Definitions.

1. "Agronomic Rate" means the whole sludge application rate (dry weight basis) designed: (1) to provide the amount of nitrogen and phosphorus needed by the crop or vegetation grown on the land and (2) to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to the ground water. Agronomic rate shall consider other sources of nitrogen, reasonable estimate of crop yields, season, and other practices appropriate to the site and crop.
2. "Annual Average" means the sum of all values reported in a twelve month period divided by the number of values.
3. "Application Site or Land Application Site" means all contiguous areas of a user's property intended for sludge application.
4. "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.
5. "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.
6. "Biosolids" means any sewage sludge or material derived from sewage sludge.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

8. "CWA" means the Clean Water Act (formerly referred to as either the Federal Water Pollution Control 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.
9. "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.
10. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
11. "Daily maximum discharge limitation" means the highest allowable "daily discharge."
12. "Director" means Director of the United States Environmental Protection Agency, Water Management Division.
13. "EPA" means the United States Environmental Protection Agency.
14. A "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 or sludge land application processes, as is feasible.
15. "General land application plan", for the purposes of this permit, means the sludge permit application maintained by Metropolitan King County and approved by the Department of Ecology.
16. "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.
17. "Interim Minimum Level" is calculated when a method-specified ML does not exist. It is equal to 3.18 times the method-specified detection limit rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc.

18. “Land Application” is the spraying or spreading of biosolids onto the land surface; the injection of biosolids below the land surface; or the incorporation of biosolids into the land so that the biosolids can either condition the soil or fertilize crops or vegetation grown in the soil. Land application includes distribution and marketing (i.e., the selling or giving away of the sludge).
19. “Method detection limit (MDL)” is the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method (40 CFR 136).
20. “Minimum Level (ML)” is the concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method.
21. “Monthly Average” is the arithmetic mean of all measurements taken during the month.
22. “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.
23. “Pathogen” means an organism that is capable of producing an infection or disease in a susceptible host.
24. “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 EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
25. “Runoff” is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.
26. “Sewage Sludge” means solid, semi-solid, or liquid residue 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 does 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.

27. “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.
28. “Treatment Works” are either Federally owned, publicly owned, or privately owned devices or systems used to treat (including recycling and reclamation) either cosmetic sewage or a combination of cosmetic sewage and industrial waste of a liquid nature.
29. 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*.
30. “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.
31. “Vector Attraction” is the characteristic of biosolids that attracts rodents, flies, mosquitos or other organisms capable of transporting infectious agents.

## II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

- A. Representative Sampling. The permittee shall collect all effluent samples from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. In order to ensure that the effluent limits set forth in this permit are not

violated at times other than when routine samples are taken, the permittee shall collect additional samples whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee shall analyze the additional samples for those parameters limited in Parts I.A. and B. of this permit that are likely to be affected by the discharge.

The permittee shall collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples shall be analyzed in accordance with paragraph **II.B. Monitoring Procedures**. The permittee shall report all additional monitoring in accordance with paragraph **II.D. Additional Monitoring by Permittee**.

- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR 136 and 40 CFR 503, unless other test procedures have been specified in this permit.
- C. Reporting of Monitoring Results.
1. Effluent monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month.
  2. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of section **IV.K. 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

Copies of monitoring reports shall also be submitted to the Tulalip Tribes of Washington, and the Water Quality Program at the Northwest Regional Office of the Department of Ecology at the following addresses:

copy to: Tulalip Tribes of Washington  
Chairman, Board of Directors  
6700 Totem Beach Rd.



Tulalip, WA 98271

copy to: Northwest Regional Office  
Department of Ecology, Water Quality Program  
3190 160th Avenue SE  
Bellevue, Washington 98008

- D. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 and 40 CFR 503 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 or Sludge Report. Such increased frequency shall also be indicated.
- E. Record Contents. Records of effluent monitoring information shall include:
1. The date, exact place, and time of sampling or measurements,
  2. The individual(s) who performed the sampling or measurements,
  3. The date(s) analyses were performed,
  4. The individual(s) who performed the analyses,
  5. The analytical techniques or methods used, and
  6. The results of such analyses.
- F. Retention of Records. The permittee shall retain records of all effluent monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of DMRs, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- G. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:

- a. Any noncompliance which may endanger health or the environment,
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See section **III.G. Bypass of Treatment Facilities.**),
  - c. Any upset which exceeds any effluent limitation in the permit (See section **III.H. Upset Conditions.**), or
  - d. Violation of a daily maximum discharge limitation for any of the pollutants listed in Table 1 of section I.A. and Table 2 of section I.B. in the permit requiring 24-hour reporting.
2. The permittee shall report any noncompliance, including transportation accidents, spills, and uncontrolled runoff from sludge transfer sites which may seriously endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 10, Emergency Response Branch at (206) 553-1263.
  3. Unauthorized discharges such as collection system overflows, plant bypasses, or failure of the disinfection system, shall be reported immediately to EPA, with copies of reports and direct communication on the discharge to the Washington Department of Ecology and the Washington Department of Health, Shellfish Program. The Department of Ecology's Northwest Regional Office 24-hour number is (425) 649-7000, and the Department of Health's Shellfish 24-hour number is 360-753-5992.
  4. The following occurrences of noncompliance with sludge requirements shall be reported by telephone to the EPA, Region 10, NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846 by the first workday (8:00 a.m. - 4:30 p.m. PST) following the day the permittee became aware of the circumstances:
    - a. violation of any limits of 40 CFR 503.13, Table 1 (maximum individual sample) or Table 3 (monthly average);
    - b. the pathogen limits;
    - c. the vector attraction reduction limits; or
    - d. the management practices for sludge that has been land applied.

5. 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.
  6. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
  7. Reports shall be submitted to the addresses in section **II.C. Reporting of Monitoring Results**.
- H. **Other Noncompliance Reporting**. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports in section **II.C. Reporting of Monitoring Results** are submitted. The reports shall contain the information listed in section II.G.4.
- I. **Compliance Schedule Reporting**. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I), shall be submitted no later than 10 days following each schedule date.

### III. COMPLIANCE RESPONSIBILITIES

- A. **Duty to Comply**. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for: enforcement action; permit termination, revocation and 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 **III.G. Bypass of Treatment Facilities** and section **III.H.**

**Upset Conditions**, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

1. **Civil and Administrative Penalties.** Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Section 309(d) and 309(g) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).
  2. **Criminal Penalties.**
    - a. **Negligent Violations.** Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the CWA.
    - b. **Knowing Violations.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the CWA.
    - c. **Knowing Endangerment.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the CWA.
    - d. **False Statements.** Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this CWA, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this CWA, shall upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the CWA.
- C. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize, or prevent, any discharge, land application, or disposal, in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed, or used, by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
  2. Notice.
    - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass.
    - b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under section **II.G. Twenty-Four Hour Notice of Noncompliance Reporting**.
  3. Prohibition of Bypass.
    - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
      - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

(3) The permittee submitted notices as required under paragraph 2 of this section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines 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 **II.G. Twenty-Four Hour Notice of Noncompliance Reporting.** and
  - d. The permittee complied with any remedial measures required under section **III.D. Duty to Mitigate.**
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. 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, including, but not limited to, sludge treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites; and,
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location, including, but not limited to, digested sludge before dewatering, dewatered sludge, sludge transfer or staging areas, any ground or surface waters at the land application sites, or sludges, soils, or vegetation on the land application sites.
  5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, so that the Director, or authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

#### IV. GENERAL REQUIREMENTS

A. Notice of New Introduction of Pollutants.

1. The permittee shall provide adequate notice to the Director, Office of Water, of:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants, and
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing

pollutants into the treatment works at the time of issuance of the permit.

2. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into such treatment works, and
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
  
- B. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
  
- C. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
  1. Pollutants which will create a fire or explosion hazard in the treatment works,
  2. Pollutants which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the 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,
  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,
  6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through,



7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment works in quantity that may cause acute worker health and safety problems, and
  8. Any trucked or hauled pollutants, except at discharge points designated by the treatment works.
- D. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR 403.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

- J. 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.
- K. 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.K.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.K.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.”*

- L. Availability of Reports. Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, and data necessary to determine compliance with the permit conditions or applicable Federal or State sludge regulations shall not be considered confidential.
- M. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- N. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or infringement of federal, state, or local laws or regulations.
- O. 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.
- P. 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 permittee 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 O.2. above.
- Q. 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 Act or any applicable

Federal or State transportation regulations, such as, but not limited to, the Department of Transportation regulations.

- R. Reopener Provision. This permit is subject to modification, revocation, and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

**APPENDIX A. Part 503 Regulations**

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
- 503.8 Sampling and analysis

2. Subpart B - Land Application.

<b>Table A-1: Subpart B Requirements Applicable to Generators, Preparers, or Appliers*</b>			
	<b>Generator or Preparer</b>		<b>Applier</b>
General requirements	503.12(d) 503.12(f) 503.12(g) 503.12(i)		503.12(a) 503.12(b) 503.12(e) 503.12(h) 503.12(j)
Pollutant limits	503.13(b)(1), (b)(3), or (b)(4)		503.13(b)(2)
Management practices	503.14(e)		503.14(a) 503.14(b) 503.14(c) 503.14(d)
Operational standards	503.15(a) pathogens 503.33(b)(1-8) vector attraction reduction		503.32(b)(5) site restrictions for Class B sewage sludge 503.33(b)(9 & 10) vector attraction reduction
Monitoring	503.16(a)		

<b>Table A-1: Subpart B Requirements Applicable to Generators, Preparers, or Appliers*</b>		
Recordkeeping	503.17(a)(1) exceptional quality sewage sludge 503.17(a)(2) exceptional quality sewage sludge derived material 503.17(a)(3)(i) sewage sludge subject to pollutant concentration limits, Class A, and vector attraction reduction in §503.33(b)(9) or §503.33(b)(10) 503.17(a)(4)(i) sewage sludge subject to pollutant concentration limits and Class B 503.17(a)(5)(i) sewage sludge subject to cumulative pollutant loading rates 503.17(a)(6) sewage sludge subject to annual pollutant loading rates	503.17(a)(3)(ii) sewage sludge subject to pollutant concentration limits, Class A, and vector attraction reduction in §503.33(b)(9) or §503.33(b)(10) 503.17(a)(4)(ii) sewage sludge subject to pollutant concentration limits and Class B 503.17(a)(5)(ii) sewage sludge subject to cumulative loading rates
Reporting	503.18	503.18
* Tulalip Utilities District #1 WWTF is the Generator.		

3. Subpart D - Pathogens and Vector Attraction Reduction.

- 503.32(b) Pathogens, Sewage sludge - Class B
- 503.33 Vector attraction reduction