

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

AUTHORIZATION TO DISCHARGE  
AND LAND APPLY SEWAGE SLUDGE (BIOSOLIDS)  
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

City of Pocatello  
Water Pollution Control Plant  
10733 N. Rio Vista Road  
Pocatello, ID 83201

is authorized to discharge from Outfall 001 at the wastewater treatment facility located at Pocatello, Idaho. Outfall 001 is located at latitude 42° 54' 58" and longitude 112° 31' 10"

to receiving waters named Portneuf River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein, and is authorized to land apply biosolids, in accordance with application sites, specific limitations, monitoring requirements, management practices, and other conditions set forth herein.

This permit shall become effective September 7, 1999.

This permit and the authorization to discharge and land apply biosolids shall expire at midnight, September 7, 2004.

Signed this 2<sup>nd</sup> day of August 1999.

—  
Roger Mochnick  
Randall F. Smith  
Director  
Office of Water  
U.S. Environmental Protection Agency, Region 10

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APPENDIX A. Map of Biosolid Land Application Sites

I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations

1. During the effective period of this permit, the permittee is authorized to discharge wastewater to the Portneuf River from Outfall 001 provided the discharge meets the limitations and monitoring requirements set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application.

<b>Table 1. Effluent Limitations Outfall 001</b>			
<b>Parameter</b>	<b>Average Monthly Limit</b>	<b>Average Weekly Limit</b>	<b>Daily Maximum Limit</b>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	30 mg/l	45 mg/l	---
	3000 lbs/day	4500 lbs/day	---
Total Suspended Solids (TSS)	30 mg/l	45 mg/l	---
	3000 lbs/day	4500 lbs/day	---
Fecal Coliform Bacteria <sup>1</sup>	200/100 ml	200/100 ml	800/100 ml
Effective Date of Permit through 12/31/2000: Total Residual Chlorine	---	---	500 µg/l
Effective 1/1/2001: Total Residual Chlorine <sup>2</sup>	25 µg/l	---	58 µg/l
	2.5 lbs/day	---	5.8 lbs/day
Effective 3/1/2004: Total Ammonia as N	4.4 mg/l	---	8.1 mg/l
	440 lbs/day	---	810 lbs/day
<ol style="list-style-type: none"> <li>1. The average monthly fecal coliform count must not exceed a geometric mean of 200/100 ml based on a minimum of five (5) samples per month. The average shall be calculated as the average of all samples collected during the month. The average weekly fecal coliform count shall not exceed a geometric mean of 200/100 ml based on a minimum of five (5) samples per week.</li> <li>2. The final effluent limitations for total residual chlorine are not quantifiable using EPA approved analytical methods. The Minimum Level (ML) for chlorine is 100 µg/l. When the daily maximum and average monthly effluent concentration is below the ML, EPA will consider the permittee in compliance with the total residual chlorine limitations. For the purposes of averaging, the permittee shall use actual values for all values measured above the method detection limit (MDL) of 10 µg/l. Values less than the MDL may be set equal to zero.</li> </ol>			

2. The pH range shall be between 6.0 - 9.0 standard units.
3. There shall be no discharge of floating solids or visible foam other than trace amounts.

4. 85% Removal Requirements for BOD<sub>5</sub> and TSS: For any month, the monthly average effluent concentration for BOD<sub>5</sub> and TSS shall not exceed 15 percent of the monthly average influent concentration.

Percent removal of BOD<sub>5</sub> and TSS shall be reported on the Discharge Monitoring Reports (DMRs). For each parameter, 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. Effluent Monitoring Requirements

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

<b>Table 2. Monitoring Requirements for Outfall 001</b>				
<b>Parameter<sup>1</sup></b>	<b>Units</b>	<b>Sample Location</b>	<b>Sample Frequency</b>	<b>Sample Type</b>
Flow	mgd	Effluent	Continuous	Recording
Temperature <sup>2</sup>	°C	Effluent	5 days/week	Grab
pH <sup>2</sup>	s.u.	Effluent	5 days/week	Grab
Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>3</sup>	mg/l, lbs/day	Influent and Effluent	5 days/week	24-hour composite
Total Suspended Solids (TSS) <sup>3</sup>	mg/l, lbs/day	Influent and Effluent	5 days/week	24-hour composite
Fecal Coliform Bacteria	#/100ml	Effluent	5 days/week	Grab
Total Residual Chlorine <sup>4</sup>	μg/l, lbs/day	Effluent	5 days/week	Grab
Total Ammonia as N before March 1,2004	mg/l, lbs/day	Effluent	1/week	24-hour composite
Total Ammonia as N after March 1,2004	mg/l, lbs/day	Effluent	5 days/week	24-hour composite
Dissolved Oxygen <sup>2</sup>	mg/l	Effluent	1/week	Grab
E. Coli Bacteria	#/100ml	Effluent	1/month	Grab

<b>Table 2. Monitoring Requirements for Outfall 001</b>				
<b>Parameter<sup>1</sup></b>	<b>Units</b>	<b>Sample Location</b>	<b>Sample Frequency</b>	<b>Sample Type</b>
Copper <sup>5,6</sup>	µg/l, lbs/day	Effluent	1/month	24-hour composite
Total Kjeldahl Nitrogen <sup>6</sup>	mg/l	Effluent	1/week	24-hour composite
Nitrate-Nitrite <sup>6</sup>	mg/l	Effluent	1/week	24-hour composite
Total Phosphorus <sup>6</sup>	mg/l	Effluent	1/week	24-hour composite
Ortho-Phosphate <sup>6</sup>	mg/l	Effluent	1/week	24-hour composite
Turbidity <sup>6</sup>	NTU	Effluent	1/week	24-hour composite
Hardness as CaCO <sub>3</sub> <sup>6</sup>	mg/l	Effluent	1/week	24-hour composite
Whole Effluent Toxicity <sup>7</sup>	TUc	Effluent	2/year	24-hour composite
<ol style="list-style-type: none"> <li>1. If an analytical value is "less than the method detection limit, the permittee shall report "&lt; [numerical method detection limit]" on the DMR. For example, if the laboratory reports "not detected" for a sample, and states that the method detection limit is "5 µg/L" then the permittee shall report "&lt; 5 µg/L" on the DMR</li> <li>2. Permittee may implement continuous monitoring equipment for sampling of these parameters.</li> <li>3. Influent and effluent composite samples shall be collected during the same 24-hour period.</li> <li>4. The analytical method for TRC analysis shall achieve a method detection limit (MDL) of 10 µg/L.</li> <li>5. The analytical method for copper analysis shall achieve a detection limit of 5 µg/L.</li> <li>6. These parameters shall be analyzed for a period of one year. Monitoring shall start 90 days after the effective date of the permit.</li> <li>7. See Section I.E. of the permit for additional information on WET monitoring requirements.</li> </ol>				

C. Ammonia Compliance Schedule.

1. The permittee shall achieve compliance with the ammonia as N effluent limitations of Table 1 of this permit by March 1, 2004. Within six months of the effective date of this permit, the permittee shall develop a schedule of compliance which includes major milestones towards meeting the final compliance date. The schedule of compliance shall be submitted to Idaho Division of Environmental Quality (Pocatello Office) for review and approval.
2. Reporting. The permittee shall submit an annual Report of Progress which

outlines the progress made towards reaching the compliance date for the ammonia effluent limitations. The annual report shall include a report on the progress made towards implementation of the milestones identified in the schedule of compliance required under paragraph C.1. above. The annual report of progress shall be submitted with the January Discharge Monitoring Report (DMR) consistent with section II. C. of this permit. The first report is due with the January 2001 DMR and annually thereafter, until compliance with the effluent limit is achieved.

D. Ambient Monitoring Requirements

The permittee shall implement an ambient monitoring program that meets the following requirements:

1. Monitoring stations shall be established on the Portneuf River as follows:
  - a. Above the influence of the facility's discharge at Batise Road
  - b. Below the facility's discharge at Siphon Road.
2. To the extent practicable, ambient sample collection shall occur concurrently with effluent sample collection.
3. River samples shall be spatially integrated grab samples
4. Ambient sampling shall be conducted as follows at the two stations given in I.D.1.

<b>Table 3. Ambient Monitoring</b>	
Parameter	Sampling Frequency
Flow, cfs	1/month
TSS, mg/L	1/month
Turbidity, NTU	1/month
Fecal Coliform Bacteria, colonies/100 mL	1/month
Total Phosphorus, mg/L	1/month
Ortho Phosphorus, mg/L	1/month
Total Ammonia as N, mg/L	1/month
Nitrate-Nitrite as N, mg/L	1/month
Total Kjeldahl Nitrogen as N, mg/L	1/month
Total Alkalinity as CaCO <sub>3</sub> , mg/L	1/month
Sulphate, mg/L	1/month
Chloride, mg/L	1/month

<b>Table 3. Ambient Monitoring</b>	
Parameter	Sampling Frequency
Temperature, degrees C	1/hr <sup>1</sup>
pH, standard units	1/hr <sup>1</sup>
Dissolved Oxygen	1/hr <sup>1</sup>
1. 2 days/month Nov-April; 10 days/month May-October; when river flows < 1,000 cfs	

5. Results of the ambient monitoring program for the period February 1998 through December 2000 will be submitted in accordance with reporting requirements specified in part II.C. of this permit. An annual report containing the preceding year's data will be submitted by May 1, 2000 and May 1, 2001. The 2001 report will include an evaluation of the ambient monitoring program and recommendations for future continuation, if needed, to document the impact of the facility's discharge on the Portneuf River.

E. Whole Effluent Toxicity Testing

Toxicity tests shall be performed semi-annually after the effective date of the permit through the year 2003. Test shall be performed once during the period from April 1 through October 31, and once during the period from November 1 through March 31 on 24-hour composite effluent samples. After January 1, 2004, tests shall be performed once per calendar year quarter (4 tests per year). Samples shall be taken at the NPDES sampling location.

1. Organisms and protocols
  - a. The permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), and the fathead minnow, *Pimephales promelas* (larval survival and growth test).
  - b. The presence of chronic toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (the "manual"), Third Edition, EPA/600-4-91-002, July 1994.
  - c. Results shall be reported in TUC (chronic toxic units). TUC = 100/No Observed Effect Concentration (NOEC).

2. Toxicity Trigger

Chronic toxicity testing requirements are triggered when the NOEC exceeds 3.3 TUC. When chronic toxicity testing requirements are triggered, the permittee shall comply with the requirements set out in paragraphs 4 and 5 below.



3. Quality Assurance

- a. A series of five dilutions and a control shall be tested. The dilution series shall include 30 percent, 2 dilutions above 30 percent and 2 dilutions below 30 percent.
- b. If organisms are not cultured in-house, concurrent testing with reference toxicants shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient.
- c. If either the reference toxicant tests or the effluent tests do not meet all test acceptability criteria (TAC) as specified in the test methods manual, then the permittee must re-sample and re-test as soon as possible.
- d. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity test (i.e., same test duration, etc.).
- e. Control and dilution water shall be laboratory water as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. Receiving water may be used as control and dilution water upon notification of EPA. In no case shall water that has not met test acceptability criteria be used as dilution water.
- f. Chemical testing for the parameters listed in Part I.A.1 of this permit shall be performed on a split sample collected for WET testing. To the extent that the timing of sample collection coincides with that of the sampling required in Part I.A.1. of this permit, chemical analysis of the split sample will fulfill the requirements of Part I.A.1.

4. Accelerated Testing

- a. The accelerated testing requirements of this section are applicable to results of toxicity testing conducted after January 1, 2004.
- b. If chronic toxicity testing requirements as defined in paragraph E.2. above are triggered, then the permittee shall conduct six more tests, bi-weekly (every two weeks), over a twelve-week period. Testing shall commence within two weeks of receipt of the sample results of the exceedance.

5. Toxicity Reduction Evaluation (TRE)

- a. If chronic toxicity, as defined paragraph E.2, is detected in any of the six additional tests required under paragraph E.4.b, then the permittee shall develop and initiate a TRE workplan. Initiation of the TRE shall commence within thirty (30) days of receipt of the sample results of the exceedance. The document Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants, EPA/600/2-88/062, may be used in developing a TRE workplan for this facility.

- b. If none of the six tests required under paragraph E.5.a. above indicates toxicity, then the permittee may return to the normal testing frequency.

6. Reporting:

- a. Results of toxicity tests, including any accelerated testing conducted during the month, shall be reported on the Discharge Monitoring Report (DMR) for the month in which the tests are conducted.
- b. The full report shall be submitted by the end of the month in which the DMR is submitted.
- c. The full report shall consist of : (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the flow rate at the time of sample collection; and (4) the results of the effluent analysis for chemical parameters required for the outfall as defined in Part I.A.1. of the permit.
- d. Test results for chronic tests shall be reported according to the chapter on Report Preparation found in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.

F. Pretreatment Requirements

- 1. Metals and Cyanide Sampling: The permittee shall conduct sampling semi-annually, once during the dry season and once during the wet season, for arsenic, cadmium, chromium, copper, cyanide (total and weak acid dissociable), lead, mercury, nickel, silver, and zinc. At a minimum, sampling should achieve the following method detection limits:

<b>Table 4. Method Detection Limits</b>	
<b>Parameter</b>	<b>Method Detection Limit</b>
Arsenic	0.5 µg/L
Cadmium	0.05 µg/L
Chromium	0.1 µg/L
Copper	5 µg/L
Cyanide	20 µg/L
Lead	0.7 µg/L
Mercury	0.2 µg/L
Nickel	0.6 µg/L

<b>Parameter</b>	<b>Method Detection Limit</b>
Silver	0.5 µg/L
Zinc	1 µg/l

2. **Sampling Locations and Sample Type:** Sampling shall be conducted on the influent, effluent, and final sludge. Influent and effluent samples shall be a 24-hour composite, except for cyanide (see D. 5., below). Final sludge samples shall be grab samples taken as the sludge leaves the treatment processes and before mixing with sludge of different age in drying beds or in storage.
3. **Sampling Frequency:** Influent and effluent samples shall be collected three consecutive days in one week (Monday through Friday). The sludge grab sample shall be collected during the same three day period.
4. **Sampling Results:** The analytical results for the influent and effluent samples shall be reported as total of the parameter in mg/L. Analytical results for sludge shall be reported in mg/kg (dry weight). Additionally, the permittee shall report the percent of solids in the sludge.

Sampling results shall be submitted with the Pretreatment Annual Report (see section II.D. of this permit).

5. **Cyanide Monitoring:** Influent and effluent sampling for cyanide shall be conducted as follows. Eight discrete grab samples shall be collected over a 24-hour period. Each grab sample shall be at least 100 ml. Each sample shall be checked for the presence of interferences (sulfides and chlorine) and any interferences must be removed (refer to *Standard Methods*, 4500-CN B). The holding time for a sample is 24 hours unless the sulfides have been removed. If sulfides have been removed from a sample, the holding time is 14 days. After testing and treating for the sulfides and chlorine, the pH of each sample shall be adjusted, using sodium hydroxide, to 12.0 standard units. Each sample can then be composited into a larger container which has been chilled to 4 degrees Celsius, to allow for one analysis for the day. The permittee may elect to sample for cyanide prior to chlorination. Refer to *Standard Methods*, 4500-CN 1, for weak acid dissociable cyanide method.
6. The permittee shall conduct a local limits re-evaluation taking into account water quality in the receiving stream, inhibition levels for biological processes in the treatment plants, and sludge quality goals. The pollutants addressed shall be, at a minimum, arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, and zinc. The limits and supporting documentation shall be submitted to EPA for review and approval within six months after the effective date of this permit.

**G. Sewage Sludge (Biosolids) Management Requirements**

1. The permittee shall comply with all existing federal and state laws and regulations that apply to its biosolids use or disposal practice. Additionally, the permittee shall ensure that biosolids are used or disposed in accordance with the applicable requirements of 40 CFR Part 503 Subparts A, B, and D, and the Biosolids Management Plan identified in the Definitions section of this permit. The federal regulations shall be interpreted using this permit and the documents “Part 503 Implementation Guidance” EPA 833-R-95-001, and “Environmental Regulations and Technology, Control of Pathogens and Vector Attraction in Sewage Sludge” EPA/625/R-92/013.
2. The permittee shall handle and dispose of biosolids so the public health and the environment are protected from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
3. The Permittee shall ensure pollutants from the biosolids do not reach surface waters of the United States.
4. For this permit, the Permittee is considered the person who applies biosolids for the purposes of determining compliance with the permit and compliance with the 40 CFR Part 503. This includes having records on actual agronomic loadings and on types of crops grown.
5. Class B biosolids applied to the land shall meet the requirements in Table 5:

<b>TABLE 5: Requirements for Biosolids Applied to Land</b>		
<b>Disposal Method</b>	<b>Product</b>	<b>Requirements</b>
Land Application	Class B biosolids only	<ol style="list-style-type: none"> <li>1. Pollutants:               <ul style="list-style-type: none"> <li>• Monthly Average Concentrations 40 CFR § 503.13(a)(2)(ii)<sup>1</sup></li> <li>• Ceiling Concentrations 40 CFR § 503.13(a)(1)</li> </ul> </li> <li>2. Pathogens:               <ul style="list-style-type: none"> <li>• Anaerobic Digestion, 40 CFR § 503.32(b)(3)<sup>2</sup>, App B (A,3)</li> </ul> </li> <li>3. Vector Control:               <ul style="list-style-type: none"> <li>• &gt;38% Volatile Solids Reduction, 40 CFR § 503.33(b)(1)<sup>2</sup>,</li> </ul> </li> <li>4. Permittee must obtain EPA approval before land application for soil reclamation (above agronomic rates).</li> </ol>

**TABLE 5: Requirements for Biosolids Applied to Land**

1. EPA may separately approve through minor permit modification or by letter, the method of controlling the accumulation of metals per 40 CFR § 503.13(a)(2)(i).
  2. EPA may separately approve through minor permit modification or by letter: Pathogen Treatment - any Class A process per 40 CFR § 503.32(a), Class B equivalency per 40 CFR § 503.32(b)(4), or Class B compost or liming per 40 CFR § 503.32(b)(3) App B(A.4-5), and Vector Control - compost or liming per 40 CFR § 503.33(b)(5) or (6). There are additional pathogen reduction and vector attraction reduction alternatives available in 40 CFR § 503.32 and 40 CFR § 503.33. If the permittee intends to use one of these additional alternatives, the EPA and the state DEQ must be notified at least 30 days prior to its use. Notification shall include a demonstration of the facility's ability to measure compliance with the alternative option. The city may begin using the new alternative 30 days after submittal of a complete process description unless notified otherwise by EPA.
- 
6. Biosolids (sewage sludge) may not be applied in the fall or winter without a cover crop unless a nitrogen mobility analysis has been conducted which demonstrates that mobile forms of nitrogen will be retained in the soil and utilized by the subsequent (spring) crop. The nitrogen mobility analysis procedure shall be designed by a qualified professional. The analysis shall address all forms of nitrogen and the major soil types, soil profiles, and crops to which the sludge will be applied. The analysis shall be updated as necessary. Soil nitrogen shall be tested to validate the results of the nitrogen mobility analysis. The soil nitrogen testing program shall be designed by a qualified professional. A record shall be kept of the analysis and testing results. This requirement will become effective August 1, 2000.
  7. Biosolids may be distributed in the specific land application areas identified in Table 6 (See map in Appendix A). All of the approved land application areas are within the "Pocatello Biosolids Beneficial Reuse Site" (map in Appendix A). Additional land application sites may be developed within the Pocatello Biosolids Beneficial Reuse Site provided the following conditions are met.
    - a) The Permittee shall submit an individual site plan to EPA 30 days prior to land applying biosolids to the new site. The site plan shall provide information on the site conditions and on the intended disposal practices at the site. The site plan shall be prepared in accordance with this permit and the Biosolids Management Plan.
    - b) Prior to land-applying biosolids at a new site, the Permittee shall notify interested parties by publishing a notice in the newspaper, and/or by mailing or delivering information packets to each interested party. Information packets shall include a copy of the site plan. Newspaper notices shall direct readers to obtain copies of the site plan from the Permittee or its representative, and direct commenters to send their comments on the new land application site to:

1200 Sixth Avenue, OW-130  
Seattle, WA 98103

At a minimum, interested parties shall include: 1) Land owners and occupants of any land adjacent to or abutting the new land application site; 2) The Shoshone-Bannock Indian Nation; 3) The local USDA Natural Resource Conservation Service; 4) The State Agricultural Extension Service; 5) The local Soil Conservation District;

- c) Distribution of Class B biosolids to areas outside of the Pocatello Biosolids Recycling/Reuse Site is not authorized by this permit. To expand outside this distribution site the permittee shall submit a revised permit application to EPA (40 CFR 122.41(l)(1)(iii)).
- d) Each new site plan shall report on a Permittee-conducted review of the site for potential endangered species habitat(s). The review shall consider the species currently listed by the US Government for the geographical area approved in this permit. The Permittee shall notify EPA immediately if any potential habitat is found. No biosolids may be applied to potential endangered species habitat without written approval from EPA.

<b>Table 6. Pocatello Biosolids Beneficial Recycling/Reuse Site Agricultural Sites for Land Application</b>				
<b>Site Name</b>	<b>Acreage</b>	<b>Map Reference (Appendix D)</b>	<b>Location</b>	
			<b>Latitude</b>	<b>Longitude</b>
Old Airport	300	OA 300	112°32'30"	42°55'
Airport120	120	AP 120	112°34'	42°54'
Airport 20	20	AP 20	112°34'	42°54'
Airport 11	11	AP 11	112°34'	42°54'
Freeway 30	30	FW 30	112°34'	42°54'
Runway 30	30	RW 30	112°34'	42°55'
West Airport 800	800	WA 800	112°34'	42°55'

- 8. The permittee may distribute Class B biosolids in crop trials of two acres or less. Crop trials may occur outside the land application sites listed in Table 6. Notification of planned crop trials shall be sent to the Environmental Protection Agency, Idaho Operations Office, the Idaho Division of Environmental Quality, Southeast Idaho Regional Office, if required by the state, and to the office of the Natural Resources Conservation Service of the U.S. Department of Agriculture closest to the crop trial site. Crop trials shall comply with all other requirements of the federal standards at 40 CFR Part 503.
- 9. The permittee shall submit a report to EPA on February 19 of each year that includes the following information:

- a. if the biosolids from the facility were stockpiled (no use or disposal), and/or land applied during the previous year;
- b. the location(s) biosolids was used or disposed (if applicable); and
- c. if the permittee land applied biosolids, provide the information required at 40 CFR 503.18(a)(1).

H. Quality Assurance Requirements

1. The permittee shall develop and submit to EPA within ninety (90) days of the effective date of this permit, a Quality Assurance Plan for all monitoring requirements identified in the permit (ambient, influent, effluent, biosolids monitoring). The primary purpose of the Quality Assurance Plan 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:
  - 1) *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 EPA, and
  - 2) *Guidance on Quality Assurance Project Plans*, EPA QA/G-5 .

The following references may be helpful in preparing the Quality Assurance Plan for this permit:

- 1) *You and Quality Assurance in Region 10*, EPA, Region 10, Quality and Data Management Program, March 1988,
  - 2) *The Volunteer Monitors Guide to Quality Assurance Project Plans* EPA 841-B-96-003, September 1996,
  - 3) *U.S. Environmental Protection Agency, Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, 1995*, EPA-821-R-95-034, and
  - 4) *U.S. Environmental Protection Agency, Sampling Ambient and Effluent Waters for Trace Metals*, EPA-821-V-97-001.
3. The Permittee must maintain this plan for the life of the permit and must make this plan available to the EPA and DEQ upon request.
  4. At a minimum the plan shall include the following:
    - Sampling techniques (field blanks, replicates, duplicates, control samples, etc).
    - Sampling preservation methods.

- Sampling shipment procedures.
  - Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts).
  - Qualification and training of personnel.
  - Analytical methods (including quality control checks, quantification/detection levels).
  - Analytical test method that will be used to achieve the method detection limits in Section I.B.5.
5. 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 Quality Assurance Plan.

I. Design Criteria Requirements.

The design criteria for the permitted facility is as follows:

<b>Table 7: Design Criteria</b>		
Criteria	Value	Units
Average Flow	12	mgd
Influent BOD5 Loading	28,000	lbs/day
Influent TSS Loading	20,000	lbs/day

Each month, beginning with January 2001, 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. If the facility performs plant upgrades that affect design criteria listed in the table, 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 7, the permittee shall develop a facility plan and schedule within one year from the date of first exceedance. 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

- J. Operation and Maintenance Plan Review. Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance (O&M) plan and ensure that it includes appropriate best management practices (BMPs); the plan must be reviewed annually thereafter. BMPs include measures which prevent or minimize the potential for the release of nutrients to the Portneuf River. The Plan shall be retained on site and made available to EPA and DEQ upon request.

The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall



address, to the extent practicable, the following minimum components:

- Spill Prevention and control
- Optimization of chemical usage
- Preventive maintenance program
- Minimization of pollutant inputs from industrial users
- Research, develop and implement a public information and education program to control the introduction of household hazardous materials to the sewer system and
- Water conservation.

K. Definitions.

1. “Agronomic rate” is the whole sludge (biosolids) application rate (dry weight basis) designed: (1) to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and (2) to minimize the amount of nitrogen in the sewage sludge (biosolids) 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, and other practices appropriate to the site and crop.
2. “Annual Average” means the sum 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 users’ property intended for biosolids 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. “Biosolids Management Plan”, for the purposes of this permit, means the sludge permit application and the Biosolids Management Plan submitted by the City of Pocatello to the U.S. EPA Region 10, dated February 1998.
8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. “Chronic toxicity” measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to effluent or ambient water compared to that of the control organism.

10. “Crop trial” means applying biosolids as a soil amendment on an area of land two (2) acres or less for the purpose of developing appropriate agricultural practices .
11. "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.
12. 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 biosolids land application processes, as is feasible.
13. “Interim Minimum Level” is calculated when a method-specified ML does not exist. It is equal to 3.18 times the method-specified method detection limit rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc.
14. “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 biosolids).
15. “Local Limits” are specific limits to implement the general and specific prohibitions in 40 CFR 403.5 (a) and (b).
16. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
17. “Minimum Level” (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed.
18. “No Observed Effect Concentration” (NOEC) is the highest concentration of toxicant to which organisms are exposed in a full life-cycle or partial life-cycle test, that causes no observable adverse effects on the test organisms (i.e., the highest concentration of toxicant in which the values for the observed responses are not statistically significantly different from the controls). If in the calculation of a NOEC, two tested concentrations cause statistically adverse effects, but an intermediate concentration did not cause statistically significant effects, the test should be repeated or the lowest concentration must be used. For example, 6.25, 12.5, 25, 50 and 100% effluent concentrations are tested. The 12.5 and 50% concentrations are statistically significant, but the 25% concentrations is not statistically significant if the test is not repeated, then 6.25%, and not 12.5% must be reported as the NOEC.
19. “Pathogen” means an organism that is capable of producing an infection or disease in

a susceptible host.

20. "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.
21. "Runoff" is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.
22. "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.
23. "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.
24. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
25. "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.
26. "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.

1. Final effluent samples taken in compliance with the monitoring requirements established under Part I shall be collected 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.
2. Biosolids samples used to measure compliance with Part I of this permit shall be collected at location representative of the quality of biosolids generated at the treatment works and immediately prior to land application.

### B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

### C. Reporting of Monitoring Results. 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 20th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

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

copy to: Division of Environmental Quality  
1445 North Orchard  
Boise, Idaho 83706.

### D. Pretreatment Report. The permittee shall provide to the U.S. Environmental Protection Agency Region 10 an annual report that describes the permittee's program activities for the previous calendar year. One copy of this report shall be submitted to the following address no later than March 1 of each year:

Pretreatment Coordinator  
U.S. Environmental Protection Agency (EPA) Region 10  
1200 Sixth Avenue, OW-130  
Seattle, WA 98101.

The report shall include:

1. An updated non-domestic user inventory, including those facilities that are no longer discharging (with explanation), and with new dischargers appropriately categorized and characterized. Categorical users should have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard.
2. Results of wastewater sampling at the treatment plants as specified in Part I.E. In addition,

the permittee shall report calculated removal rates for each pollutant for each sample date and discuss whether existing local limits contained in the permittee's ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or preclude beneficial uses of the biosolids. A comparison of the influent levels with the maximum allowable headworks loading used in the most recent local limits evaluation shall be included in the report.

3. Status of program implementation activities.
  - a. Any planned modifications to the pretreatment program originally approved by the U.S. Environmental Protection Agency, including staffing and funding updates.
  - b. Any interference, upset, or NPDES permit violations experienced at the POTW which were directly or indirectly attributable to non-domestic users including:
    1. date & time of the incident;
    2. description of the effect on the POTW's operation;
    3. effects on the POTW's effluent and biosolids quality;
    4. identification of suspected or known sources of the discharge causing the upset; and
    5. steps taken to remedy the situation and to prevent recurrence.
  - c. Listing of non-domestic users inspected and/or monitored during the year with a summary of results.
  - d. Listing of non-domestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.
  - e. Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards, as required in 40 CFR 403.8(f)(2)(iii).
  - f. Listing of non-domestic users whose permits have been issued, reissued or modified along with current permit expiration dates.
  - g. Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include the final date of compliance for each facility.
4. Status of enforcement activities.
  - a. Listing of non-domestic users who violated applicable pretreatment standards or requirements, a summary of the violation(s), the enforcement action taken or planned by the City, and the present compliance status as of the date of preparation of the pretreatment annual report.
  - b. Listing of non-domestic users in Significant non-compliance (SNC) as defined in 40 CFR §403.8(f)(2)(vii). A copy of all SNC public notices in the newspaper should be included in the report.

E. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than

required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, Pretreatment, or Biosolids Report. Such increased frequency shall also be indicated.

F. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

G. Retention of Records. With the exception of biosolids, 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. All biosolids records shall be retained for a period of five years. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site five years or the life of the permit, whichever is longer.

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
  - a. any noncompliance which may endanger health or the environment;
  - b. any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
  - c. any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
  - d. violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
2. The permittee shall report transportation accidents, spills, and uncontrolled runoff from biosolid transfer or land application 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. The following occurrences of noncompliance with biosolids 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 biosolids that has been land applied.
4. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. a description of the noncompliance and its cause;
  - b. the period of noncompliance, including exact dates and times;
  - c. the estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
5. 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.
6. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.
  - I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.H.4.
  - J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
    1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
    2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
    3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit including, but not

limited to, biosolids 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 biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites, or biosolids, 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.

### 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; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions.
  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 Act; or negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under section 402 of this Act; shall, upon conviction, be punished by a fine and/or imprisonment as specified in section 309(c)(1) of the Act.
    - b. Knowing Violations. Any person who knowingly violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act; or knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such



treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under Section 402 of this Act; shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.

- c. **Knowing Endangerment.** Any person who knowingly violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in section 309(c)(3) of the Act.
- 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 Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine and/or imprisonment as specified in section 309(c)(4) of the Act.

Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

- 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 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 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, biosolids, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities:
  - 1. **Bypass not exceeding limitations.** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
  - 2. **Notice.**

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.H., Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of bypass.
- a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
    - (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 judgment 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 Part II.H., Twenty-four Hour Notice of Noncompliance Reporting; and
  - d. The permittee complied with any remedial measures required under Part 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. Pretreatment Program Requirements.

1. The permittee shall implement its Pretreatment Program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in its original approved pretreatment program submission entitled: City of Pocatello, Idaho, Industrial Waste Survey and Pretreatment Program, dated March 3, 1983; any program amendments submitted thereafter and approved by EPA; and the General Pretreatment Regulations (40 CFR 403) including any amendments. At a minimum, the following pretreatment implementation activities shall be undertaken by the permittee:
  - a. Enforce categorical pretreatment standards promulgated pursuant to sections 307(b) and (c) of the Act, prohibitive discharge standards as set forth in 40 CFR 403.5 or local limitations specified in Chapter 13.20 of the Revised and Compiled Ordinances of the City of Pocatello, whichever are more stringent or are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations shall be defined as pretreatment standards under section 307(d) of the Act and shall not be limited to categorical industrial facilities.
  - b. Implement and enforce the requirements of the most recent and effective portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.
  - c. Update its inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee shall notify these users of applicable pretreatment standards in accordance with 40 CFR § 403.8 (f) (2) (iii).
  - d. Issue, reissue and modify, in a timely manner, industrial wastewater discharge permits to at least all Significant Industrial Users (SIUs). These documents shall contain, at a minimum, conditions identified in 40 CFR § 403.8 (f)(1)(iii). The permittee shall follow the methods described in its implementation procedures for issuance of individual permits.
  - e. Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. In accordance with 40 CFR § 403.12 (o), the permittee shall retain all records relating to its pretreatment program activities for a minimum of three (3) years and shall make such records available to the EPA upon request. The permittee shall also provide public access to information considered effluent data under 40 CFR Part 2.
  - f. Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by non-domestic users within these jurisdictions. These contracts or agreements shall identify the agency responsible for the various implementation and enforcement activities to be performed in the contributing jurisdiction. In addition, the permittee may be

required to develop a Memorandum of Understanding (Agreement) that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.

- g. Carry out inspections, surveillance, and monitoring on non-domestic users to determine compliance with applicable pretreatment standards and requirements. A thorough inspection of SIU(s) shall be conducted at least annually. Frequency of wastewater sampling for the SIU(s) shall be commensurate with the character and volume of the wastewater, but shall not be less than two (2) times per year. Sample collection and analysis shall be performed in accordance with 40 CFR § 403.12 (b)(5)(ii) through (v) and 40 CFR Part 136.
  - h. Enforce and obtain remedies for non-compliance by any non-domestic user with applicable pretreatment standards and requirements. This shall include timely and appropriate reviews of industrial reports to identify all violations of the user's permit or the permittee's local ordinance. Once violations have been uncovered, the permittee shall take timely and appropriate action to address the noncompliance. The permittee's enforcement actions shall comply with its approved enforcement response procedures.
  - i. Publish, at least annually in the largest daily newspaper in the permittee's service area, a list of all non-domestic users which, at any time in the previous 12 months, were in Significant Non-Compliance as defined in 40 CFR § 403.8 (f)(2)(vii).
  - j. Maintain adequate staff, funds and equipment to implement its pretreatment program.
2. The permittee shall implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.
  3. If the permittee elects to conduct all the non-domestic user monitoring in lieu of requiring self-monitoring by its SIUs, the permittee shall conduct sampling, monitoring and analyses for all regulated pollutants in accordance with 40 CFR § 403.12 (b)(5)(ii) through (v), 40 CFR § 403.12 (g) and 40 CFR Part 136. The frequency of sampling shall be commensurate with the character and volume of the discharge and shall provide the permittee with ample data to determine compliance, but in no case shall sampling be less than 2 times a year spaced at six (6) month intervals.
  4. Whenever, on the basis of information provided to the U.S. Environmental Protection Agency, it has been determined that any source contributes pollutants to the permittee's treatment works in violation of subsection (b), (c), or (d) of section 307 of the Act, notification shall be provided to the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.
  5. If the permittee elects to modify any components of its pretreatment program, it shall comply with the requirements of 40 CFR § 403.18. No substantial program modification may be implemented prior to receiving written authorization from EPA.
  6. Sampling - See Part I.F.

7. Reporting - See Part II.D.

IV. GENERAL REQUIREMENTS

- A. Notice of Introduction of New Pollutants. The permittee shall provide adequate notice to the Director, Office of Water of:
1. Any introduction of new 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
  2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
  3. For the purposes of this section, adequate notice shall include information on:
    - a. The quality and quantity of effluent to be introduced into such treatment works; and
    - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- 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 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. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
  5. Heat in amount which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works exceeds 40°C (104°F) unless the EPA Administrator, upon request of the treatment works, approves alternate temperature limits.
  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 a quantity that may cause acute worker health and safety problems.
  8. Any trucked or hauled pollutants, except at discharge points designated by the treatment works.

- C. 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 Part 403.
- D. 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 the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.
- E. 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.
- F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- G. 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.
- H. 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.
- I. 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.
- J. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
  - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  - 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position

having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

- K. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- L. 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.
- M. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- N. 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.
- O. Transfers. This permit may be automatically transferred to a new permittee if:
  1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the

transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

- P. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- Q. 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.