

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

AUTHORIZATION TO DISCHARGE 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 Jerome
152 East Avenue A
Jerome, Idaho 83338

is authorized to discharge from a wastewater treatment facility located at Jerome, Idaho, [latitude 114°32'10" and longitude 42°43'45"]

to receiving waters named the Snake River, via the North Side Canal Company's "J" Canal.

in accordance with discharge point(s), effluent limitations, monitoring requirements, sewage sludge requirements, and other conditions set forth herein.

This permit shall become effective August 31, 1999.

This permit and the authorization to discharge shall expire at midnight, August 31, 2004.

Signed this 29th day of July 1999.

/s/ Roger Mochnick

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

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I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations and Monitoring Requirements

1. During the effective period of this permit, the Permittee is authorized to discharge wastewater to the Snake River via North Side Canal Company's "J" canal from Outfall 001, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. Discharges from Outfall 001 shall meet the limitations and monitoring requirements as specified in Table 1, below. The Permittee shall comply with these effluent limits at all times, regardless of the frequency of monitoring or reporting.
3. There shall be no discharge of floating solids or visible foam other than trace amounts.
4. Percent removal requirements for BOD₅ and TSS are as follows: For any month, the monthly average effluent concentration shall not exceed 15 percent of the monthly average influent concentration.

Percent removal of BOD₅ 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. Influent and effluent samples shall be taken over approximately the same time period.

TABLE 1: Limitations and Monitoring for Outfall 001

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Sample Location	Sample Frequency	Sample Type
Flow, MGD	---	---	---	effluent	continuous	recording
Biological Oxygen Demand (BOD ₅)	30 mg/l	45 mg/l	---	influent and effluent	3/week	24-hour composite
	375 lb/day	560 lb/day	---			
Total Suspended Solids (TSS)	30 mg/l	45 mg/l	---	influent and effluent	3/week	24-hour composite
	375 lb/day	560 lb/day	---			
Fecal Coliform Bacteria	200/100ml ¹	200/100ml ¹	800/100ml	effluent	3/week	grab
pH, standard units	The pH range shall be between 6.5 -9.0 standard units.			effluent	daily	grab
Dissolved Oxygen	The total dissolved oxygen shall be 2.0 mg/l instantaneous minimum.			effluent	daily	grab
Total Residual Chlorine	0.5 mg/l	---	1.0 mg/l	---	5/week	grab
Total Phosphorous ²	205 lb/day	377 lb/day	---	effluent	1/week	24-hour composite
Total Ammonia as N mg/l	---	---	---	effluent	2/month	24-hour composite
Nitrite-Nitrate as N mg/l	---	---	---	effluent	2/month	24-hour composite
Total Kjeldahl Nitrogen, mg/l	---	---	---	effluent	2/month	24-hour composite
Temperature degrees C	---	---	---	effluent	5/week	grab
<p>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 taken over a thirty day period. The weekly fecal coliform count must not exceed a geometric mean of 200/100 ml based on no more than one (1) week's data and a minimum of three (3) samples.</p> <p>2. The total phosphorus limitation is effective beginning on August 30, 2004, consistent with Section I.E.</p>						

B. Sludge Management Requirements:

1. The Permittee shall handle and dispose of sewage sludge in such a manner so as to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
2. The Permittee shall comply with all existing Federal and State laws and regulations that apply to its sewage sludge use or disposal practice, and with all future standards promulgated under Section 405(d) of the Clean Water Act of 1987.
3. The Permittee shall ensure pollutants from the sewage sludge do not reach surface waters (waters of the United States). The Permittee shall monitor surface waters if so specified in an EPA review of a site land application plan submitted under section B.8, below.
4. The Permittee shall ensure that the requirements of 40 CFR 503 Subparts A, B, and D are met when the sewage sludge is used or disposed. These 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.
5. If the Permittee’s sewage sludge is applied to the land, the Permittee is considered the person who applies sewage sludge for the purposes of determining compliance with this permit and compliance with the 40 CFR 503 standards. This includes having records on actual agronomic loadings and on types of crops grown.
6. The sewage sludge (biosolids) disposed in a municipal landfill, or the Class B farm grade biosolids applied to the land shall meet the requirements in Table 2.
7. Sewage sludge and/or sludge products (biosolids) may be used or disposed in the areas and with the use/disposal methods described in Table 3.
8. An individual site plan providing information on the site conditions and on the intended practices at the site shall be submitted for EPA’s records 90 days prior to land application of Class B Biosolids to any new site. The site plan shall be prepared in accordance with this permit and the General Land Application Plan.

TABLE 2: APPROVED BIOSOLIDS TREATMENT METHODS, City of Jerome, ID (90 Days Notice To EPA Required Before Switching to Alternative Methods)			
SOURCE	PRODUCT	APPROVED METHOD	ALTERNATIVE METHODS
Wastewater Plant	Class B raw, partially treated, any type for co-disposal with municipal solid waste	No free water - Paint Filter Test Non-hazardous - Per EPA Solid Waste Rules	None
Wastewater Plant	Class B biosolids for land application (Farm Grade)	Pollutants: - Monthly Average Concentrations [503.13(a)(2)(ii)] - Individual Sample Concentrations [503.13(a)(1)] Pathogens: - Aerobic Digestion: MCRT and temp. shall be between 40 days at 20°C and 60 days at 15°C [503.32(b)(3), App. B(A.1)] - Vector Control: >38% Volatile Solids Reduction [503.33(b)(1)]	- None* - None* - Disk or Inject into Soil [503.33(b)(9-10)]* - Specific Oxygen Uptake Rate (SOUR) [503.3(b)(4)]*
* EPA may separately approve through minor permit modification or by letter: - Pollutant Control - control of accumulation of metals per 503.13(a)(2)(I) - Pathogen Treatment - PSRP Process of control by air drying on beds for 3 months per 503.32(b)(3), Appendix B-Process A.2; - Vector Control - No adequate plans for other alternatives.			

TABLE 3: PERMITTED BIOSOLIDS LAND APPLICATION AREA(S) AND PRACTICES, CITY OF JEROME

Sewage sludge and/or sludge products (biosolids) may be used or disposed (1) in accordance with federal standards in 40 CFR 503, conditions listed below and elsewhere in this NPDES permit, and the General Land Application Plan (Plan) identified in the Definitions section of this permit, and (2) within the areas and limitations for each area as listed below and described in the Plan:

GEOGRAPHICAL AREA	TYPE (SLUDGE/PRODUCT)	ALLOWABLE USE/DISPOSAL
<p>Western portion of Jerome County, Idaho</p> <ul style="list-style-type: none"> - Within the County Limits, west of longitude 114°05'52"; e.g. west of a north-south line at Exit 182 on Interstate Highway 84 (exit near Hansen ID). - Excludes any incorporated areas, tribal or federal lands, state lands, or public or private parks. - Only at sites selected according to this permit and the General Land Application Plan - Only at sites approved by the Idaho DEQ 	<p>Class B Biosolids (Farm Grade)</p>	<ul style="list-style-type: none"> - Agricultural land application at agronomic rates in accordance with individual site plans prepared, distributed for review/comment, and submitted to EPA in accordance with this permit and the Plan. - EPA approval is not required for individual site plan(s) before application to a new site. - The agronomic rate for biosolids applied in the fall shall be based on the uptake of plant-available nitrogen prior to the winter dormant season, and the method for determining fall agronomic rates shall be confirmed by testing the soil and leachate below the root zone for excessive nitrogen leaching. - Land application for soil reclamation (above agronomic rates) - Not permitted.* - Transfer To Other Facility - Not permitted, except to municipal waste landfill as below. - Distributing Class B Biosolids to other areas requires an application for a permit modification.
<p>Milner Area Landfill, Cassia County, Idaho. Location: 1050 W. 400 S., Burley Idaho 83318*</p>	<p>Untreated, Partially treated, Any Class</p>	<ul style="list-style-type: none"> - Mixed with solid waste and placed in a "solid waste unit" per 40 CFR503.4, including use as daily cover in accordance with the landfill operating plan approved by the appropriate state agency. - Use for vegetation for final cover - Not permitted. - Transfer to Other Facility (sewage plant, incinerator, other type of fill or surface disposal, etc) - Not permitted

* Other municipal solid waste landfill(s) may be approved by letter or as minor permit modification, including landfills in adjacent counties such as Gooding, Jerome, and Twin Falls Counties upon submittal of evidence of compliance with 40CFR503.4.

"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

9. 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 (western Jerome County). Such review shall be conducted by a qualified biologist and/or botanist as applicable. 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.
10. The Permittee shall notify the land owners and occupants of any land adjacent to or abutting a future Class B biosolids land application site by publishing a notice in the *North Side News*, and by mailing, delivering, or having delivered information packets to each adjoining residence.

The permittee shall also maintain a list of parties who have requested information on, or notification of, new land application sites. The notification list shall include the applicable local office of the USDA Natural Resource Conservation Service, the state Agricultural Extension Service, the local Soil Conservation District, and the Endangered Species Contact for the Idaho Field Office of the US Fish & Wildlife Service. Notification to the agencies listed here shall include a copy of the site plan.

Notification shall also be conducted as specified in the General Land Application Plan. All notifications shall direct readers to obtain copies of the site plan from the Permittee or its representative, and to comment to the address and telephone number of the EPA Idaho Operations Office provided in the notice.

11. Distribution of Class B biosolids to areas not covered in this permit constitutes a violation of this permit and a major change in the General Land Application Plan, and requires a major permit modification per 40 CFR 122.62(a)(18). A revised General Land Application Plan and request for permit modification must be submitted 180 days prior to such distribution of Class B biosolids.

C. Quality Assurance Requirements

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

2. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in EPA QA/R-5 *EPA Requirements for Quality Assurance Project Plans* and EPA QA/G-5 *Guidance on Quality Assurance Project Plans*. The following references may be helpful in preparing the QAP for this permit: *You and Quality Assurance in Region 10*, EPA, Region 10, Quality and Data Management Program, March 1988, and *The Volunteer Monitors Guide to Quality Assurance Project Plans* EPA 841-B-96-003, September 1996.
3. The plan shall be submitted to EPA for review and approval within 60 days of the effective date of this NPDES permit.
4. At a minimum the QAP shall include the following:
 - A map indicating the exact location of Outfall 001.
 - Sampling techniques (field blanks, replicates, duplicates, control samples, etc.).
 - Sampling preservation methods.
 - Sample shipment methods.
 - Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts).
 - Qualification and training of personnel.
 - Analytical methods (including quality control checks, quantification/detection levels).
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 QAP.
6. The permittee shall require the laboratory director of each laboratory providing measurement results in support of this permit to sign and submit to EPA the following statement on a monthly basis with the DMR:

I certify that this data is in compliance with requirements under 40 CFR 136 and other analytical requirements specified in NPDES permit No. ID-002016-8.

Signature: _____ Date: _____

D. Best Management Practices Plan

The permittee shall develop and submit a Best Management Practices Plan (the BMP Plan) and schedule for implementation within 180 days of the effective date of this permit. The BMP Plan shall include measures which prevents, or minimizes, the potential for the release of nutrients to the Middle Snake River. The BMP Plan shall be consistent with the Municipal Industry Management Actions of the *Middle Snake River Watershed Management Plan* (Table 30). The BMP Plan shall be retained on site and made available to EPA and IDHW-DEQ upon request.

The Permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the BMP Plan shall reflect identified potential sources of pollutants at the facility. The description of management controls shall address, to the extent practicable, the following minimum components:

- a) Research, develop, and implement a public information and education program;
- b) Water conservation;
- c) Land application of treated effluent;
- d) Land application of Biosolids;
- e) Storm water pollution prevention;
- f) Operational practices that can be used to reduce nutrient levels in wastewater treatment.

E. Total Phosphorus Schedule of Compliance

1. The permittee shall achieve compliance with the total phosphorus effluent limitations of Section I.A.2., by August 30, 2004.
2. Reporting. The permittee shall submit an annual Report of Progress which outlines the progress made towards reaching the compliance date for total phosphorus effluent limitations. The annual report shall include an assessment of the previous year of phosphorus data and comparison to final effluent limitations, a report on progress made towards meeting the final limitations, and milestones targeted for the upcoming year. The annual Report of Progress shall be submitted with the January Discharge Monitoring Report (DMR). The first report is due with the January 1999 DMR and annually thereafter, until compliance with the effluent limit is achieved.

F. Pretreatment Program Requirements. The permittee shall implement and enforce the City of Jerome Sewer Use Ordinance to ensure that pass through and interference does not impact wastewater treatment plant performance, sludge quality, or receiving water quality.

G. Definitions.

1. "Agronomic rate" is 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 and phosphorus 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. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
5. "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.
6. "General Land Application Plan" includes the "Permit #ID 0020168 Sludge Management Submission" sent by letter dated July 21, 1997 from Jon Cecil, City Administrator to EPA, and the letter dated August 5, 1997 regarding "Amendment to Jerome Biosolids Plan" sent from Jon Cecil to EPA.
7. A "Grab" sample is a single sample or measurement taken at a specific time

or over as short a period of time as is feasible.

8. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
9. "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.
10. 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.
11. "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.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. 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.
- 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 10th day of the following month. Legible copies of these, and all other reports, shall be signed and

certified in accordance with the requirements of Part 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-130
Seattle, Washington 98101

copy to: Idaho Department of Health and Welfare (IDHW-DEQ)
Division of Environmental Quality
1435 North Orchard
Boise, Idaho 83706

- 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 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- E. 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.
- F. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, 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 (for noncompliance endangering listed Snake River snail species, the Permittee also shall report to the U.S. Fish and Wildlife Service at (208) 378-5243):
 - a. Any discharge(s) to the receiving water that are not authorized for coverage under this permit;
 - b. Any noncompliance which may endanger health, the environment, or listed Snake River snail species;
 - c. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
 - d. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
 - e. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. 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 Water Compliance Section in Seattle, Washington, by phone, (206) 553-1846.
 4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results. Reports on noncompliance that endanger listed Snake River snail species shall be sent to EPA, and the U.S. Fish and Wildlife Service at Snake River Office, 1387 South Vinnell Way, Rm 368, Boise, Idaho 83709.
- H. 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.G.2.
- I. Inspection and Entry. The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
- J. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (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; 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 Penalty.** The Act provides that 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 penalty, not to exceed \$25,000 per day for each violation.
 2. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that 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 be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
 - b. **Knowing Violations.** The Act provides that 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 be punished by a fine of not less than \$5,000 nor more than

\$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

- c. **Knowing Endangerment.** The Act provides that 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 of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
 - d. **False Statements.** The Act provides that 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 of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.
3. 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 or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
 - E. **Proper Operation and Maintenance.** 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, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
 2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 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 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 determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

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

IV. GENERAL REQUIREMENTS

- A. Notice of New Introduction of Pollutants. The permittee shall provide adequate notice to the Director, Office of Water:
1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the 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 any pollutant(s) into the waste treatment system which cause pass through or interference. Furthermore the following specific pollutants shall not be introduced into the 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 amounts which will inhibit biological activity in the treatment works resulting in interference.
 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 facility in a quantity that may cause worker health and safety problems.
 8. Any trucked or hauled pollutants, except at discharge points designated by the treatment facility.
- C. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with the Sewer Use Ordinance adopted by the City and 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 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 permittee's 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.