

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

**AUTHORIZATION TO DISCHARGE
AND DISPOSE BIOSOLIDS UNDER THE
NATIONAL POLLUTION 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”, the

**City of Preston
Wastewater Treatment Plant**

is authorized to discharge from a facility located at **Preston, Idaho** (latitude: 42° 04=27”; longitude: 111° 50=59”)

to receiving waters named **Worm Creek**,

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

is authorized to dispose biosolids

to a surface disposal site at **Franklin County Landfill**,

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

This permit shall become effective May 26, 1999

This permit and the authorization to discharge and dispose biosolids shall expire at midnight, May 26, 2004

Signed this 23rd day of April, 1999

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

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I. SPECIFIC LIMITATIONS AND REQUIREMENTS

A. Effluent Limitations

1. During the effective period of this permit, the permittee is authorized to discharge 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. The facility may discharge waste streams and pollutants associated with operations which would not require notification under Part **IV.A. Notice of New Introduction of Pollutants** of this permit.
2. There shall be no discharge of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.
3. The discharge of chemicals in toxic amounts is prohibited pursuant to Section 101(a)(3) of the CWA and the Idaho water quality standards (IDAPA 16.01.02.200.02), which prohibits the discharge of toxic pollutants in toxic amounts.
4. The following effluent limits shall apply at all times:

Table 1. EFFLUENT LIMITATIONS					
Effluent Parameter	Unit of Measurement	Monthly Average	Weekly Average	Maximum Daily	Minimum Daily
Ammonia ⁴	mg/L	2.10	---	3.89	---
	lbs/day	21	---	39	---
BOD ₅ ¹	mg/L	30	45	---	---
	lbs/day	300	450	---	---
DO	mg/L	---	---	---	6.0
Fecal Coliform Bacteria ⁴	colonies/100 mL	200 ²	200 ³	800	---
pH	s.u.	---	---	9.0	6.5
TSS ¹	mg/L	30	45	---	---
	lbs/day	300	450	---	---
<p>1 The average monthly percent removal shall be greater than 85% and calculated from the arithmetic mean of the influent and effluent values.</p> <p>2 Based on a geometric mean of all samples taken in that month.</p> <p>3 Based on a geometric mean of all samples taken in that week.</p> <p>4 Reporting is required within 24-hours if the maximum daily limit is violated.</p>					

B. Effluent Monitoring Requirements

1. During the effective period of this permit, the following monitoring requirements shall apply:

Table 2. MONITORING REQUIREMENTS				
Effluent Parameter	Units	Sample Location	Sample Frequency	Sample Type
Ammonia as N	mg/L	Effluent	1/week	24-hour composite
BOD ₅	mg/L lbs/day	Influent & Effluent ¹	2/week	24-hour composite
DO	mg/L	Effluent	2/week	grab
E. coli	#/100 mL	Effluent	1/week	grab
Fecal Coliform	#/100 mL	Effluent	2/week	grab
Flow	mgd	Effluent	continuous	recording
Nitrate+Nitrite as N	mg/L	Effluent	1/week	24-hour composite
pH	s.u.	Effluent	5/week	grab
Total Phosphorus as P	mg/L	Effluent	1/week	24-hour composite
Temperature	°C	Effluent	5/week	grab
TSS	mg/L lbs/day	Influent & Effluent ¹	2/week	24-hour composite
TRC ²	µg/L	Effluent	5/week	grab
1 Influent and effluent composite samples shall be collected during the same 24-hour period. 2 Total Residual Chlorine: monitor only when used.				

2. Effluent samples shall be collected after the last treatment unit prior to discharge.
3. Once per month the effluent temperature for outfall 001 shall be measured hourly (grab samples) for a twenty-four (24) hour period. This temperature monitoring requirement shall start two years after the effective date of the permit and shall be analyzed for a period of two years. The results shall be reported with the DMR for the corresponding month.

C. Ambient Monitoring Requirements

1. During the period beginning on the effective date of this permit, and lasting until the expiration, the permittee shall conduct monitoring upstream and downstream of outfall 001. Ambient monitoring shall occur at the upstream and downstream locations determined by the City of Preston and IDEQ.
2. The permittee shall conduct the following quarterly ambient monitoring:

Table 3. AMBIENT MONITORING REQUIREMENTS				
Effluent Parameter	Units	Sample Location¹	Sample Frequency	Sample Type
Ammonia as N	mg/L	Upstream & Downstream	1/quarter	grab
BOD ₅	mg/L lbs/day	Upstream	1/quarter	grab
DO	mg/L	Upstream	1/quarter	grab
E. coli	#/100 mL	Upstream & Downstream	1/quarter	grab
Flow	mgd	Upstream	1/quarter	grab
Nitrate+Nitrite as N	mg/L	Upstream & Downstream	1/quarter	grab
pH	s.u.	Upstream & Downstream	1/quarter	grab
Total Phosphorus as P	mg/L	Upstream & Downstream	1/quarter	grab
Temperature	°C	Upstream & Downstream	1/quarter	grab
1 Upstream and downstream samples shall be collected on the same day.				

3. Ambient monitoring activities shall occur on the same day as effluent monitoring activities.
4. Quarterly monitoring shall begin the calendar quarter following the issuance of this permit. The calendar quarters are January through March, April through June, July through September, and October through December. Quarterly monitoring shall be reported with the DMR for the last month in the Quarter (March, June, September and December).

D. Sludge Requirements. The permittee is authorized by this permit to dispose of sewage sludge by means of surface disposal and landfill.

1. Management Requirements

- a. 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 which may be present. The following documents may provide useful information in assisting the facility in evaluating their sludge for pollutants: *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.
- b. The permittee shall comply with all existing federal and state laws, and all regulations that apply to sewage sludge use and disposal practice(s).
- c. The permittee is required to develop best management practices to prevent the release of pollutants in sewage sludge to surface waters. These practices are to be incorporated into the facility Operations & Maintenance manual.
- d. The permittee is required to take steps to ensure that the Franklin County Landfill complies with the federal standards for surface disposal facilities.
- e. The permittee shall give thirty days notice to the Director of any change(s) planned in the permittee's sludge disposal practice. Under 40 CFR Part 122.62(a)(1), a change in the permittee's sludge use or disposal practice is a cause for modification of the permit. If the permittee requests or agrees, a change in sludge disposal practice is a cause for revocation and re-issuance of the permit.
- f. Upon request, the permittee shall provide EPA with sludge inventory data as part of EPA or state inventory updates.

- g. The permittee is required to comply with their approved sludge management plan.
- h. When sending sewage sludge to the landfill, the permittee shall ensure that the sewage sludge meets the requirements in 40 CFR Part 258. The requirements of Part 258 that pertain to this facility are the exclusions for disposal of hazardous waste and liquids restrictions. To meet these requirements, the permittee shall conduct an annual Toxicity Characteristic Leaching Procedure (TCLP) test.

2. Monitoring Requirements.

- a. During the period beginning on the effective date of this permit and lasting until the expiration, the permittee is required to perform annual monitoring for arsenic, chromium and nickel. Additionally, the percent solids of sewage sludge must be monitored to report pollutant concentrations on a dry weight basis.
- b. Methods to analyze the parameters in sewage sludge shall be in accordance with 40 CFR Part 503.8(b)(4).

3. Reporting Requirements. Annual monitoring reports shall be submitted to EPA no later than February 19 of each year.

E. Quality Assurance Requirements

- 1. Within 90 days of the effective date of this permit, the permittee shall submit an updated Quality Assurance Project Plan (QAPP). The current QAPP is to be reviewed and updated to ensure all material is still current and applicable.
- 2. The document *Guidance for Preparation of Quality Assurance Project Plans*, EPA, Region 10, Quality and Data Management Program, QA/G-5, can be used as a helpful reference guide in preparing the updated QAPP. This document is available as an Adobe Acrobat file at <http://www.epa.gov/r10earth/offices/oea/qaindex.htm>.

3. The permittee shall amend the QAPP whenever there is a modification in the sample collection, sample analysis, or conditions or requirements of the QAPP change.
4. The 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 QAPP.
5. Copies of the QAPP shall be kept on site and shall be made available to EPA and IDEQ upon request.

F. Operation and Maintenance Plan Review

1. 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 Worm Creek. The O&M Plan shall be retained on site and made available to EPA and IDEQ upon request.
2. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the O&M 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.

G. Chronic Toxicity Requirements

1. Testing Frequency

- a. The permittee shall conduct semi-annual chronic toxicity tests on 24-hour composite effluent samples. Samples shall be taken at the NPDES sampling location.
- b. If, after one year of testing, the maximum measured toxicity is less than or equal to the toxicity trigger specified in Section G.3.a, then the permittee is only required to conduct semi-annual chronic toxicity tests in the fourth year.
- c. If chronic toxicity is detected above the trigger specified in paragraph G.3.a. and the source of toxicity is known (e.g., temporary plant upset), then the permittee is required to perform an additional test. If toxicity persists, then the permittee is required to perform a TRE as specified in Section G.6.
- d. If chronic toxicity is detected above the trigger specified in paragraph G.3.a and the source of toxicity is unknown, then the permittee is required to perform a TRE as specified in Section G.6.
- e. TRE sampling required in Section G.6. is conducted approximately every two weeks over a twelve-week period. Testing shall commence within two weeks of receipt of the sample results that indicated the exceedance of the WET monitoring trigger.

2. Test Species and Methods

- a. The permittee shall conduct short-term tests with the fathead minnow, *Pimephales promelas* (larval survival and growth test), and the cladoceran, water flea, *Ceriodaphnia dubia* (survival and reproduction test) for the first three suites of tests. After this screening period, monitoring shall be conducted using the most sensitive species. The most sensitive species shall be defined as the one with the lowest NOEC/IC25 from the previous tests.

- 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*, Third Edition, Eds., Lewis P.A., D.J. Klemm, J.M. Lazorchak, T.J. Norberg-King, W.H. Peltier, M.A. Herber (EPA/600/4-91/002).
- c. The permittee may propose to EPA that compliance with acute toxicity conditions be based on the mortality data from chronic test data.¹

3. Toxicity Trigger.

- a. The toxicity trigger for this facility shall occur when the reported toxicity level is greater than 1.5 TUc.
- b. If two tested concentrations cause statistically adverse effects in the calculation of the NOEC, then 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 25% is not significant. If the test is not repeated, then 6.25% must be reported as the NOEC.

4. Quality Assurance

- a. A series of at least five dilutions and a control shall be tested. The series shall include the following concentrations: 12.5, 25, 50, 75, and 100 percent effluent.
- b. If organisms are not cultured in-house, concurrent testing with a reference toxicant shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient.²

¹ This applies to the fathead minnow test. It does not apply to the water flea because the statistics associated with the test do not allow the use of dual endpoints.

² Reference toxicants shall also be conducted using the same test conditions as the effluent toxicity tests (e.g., the same test duration). In no case shall water that has not met test

- c. If either the reference toxicant test 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. Control and dilution water should be receiving water or laboratory water, as specified in the test methods manual. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. In no case shall water that has failed TAC be used for control or dilution water.
 - e. Chemical testing for the parameters for which effluent limitations exist shall be performed on a split of each sample collected for whole effluent toxicity (WET) testing. To the extent that the timing of sample collection coincides with that of the sampling required in Part I.B. of this permit, chemical analysis of the split sample will fulfill the requirements of that Part as well.
5. TRE Work Plan. The permittee shall submit to EPA a copy of the facility's initial investigation Toxicity Reduction Evaluation (TRE) Work Plan within 180 days of the effective date of this permit. The document *Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants*, EPA/600/2-88/062, may be helpful in developing a TRE Work Plan for this facility. This plan shall describe the steps the permittee intends to follow if toxicity is detected and should include, at a minimum, the following steps:
- a. Identify investigation and evaluation techniques or actions that may be used to identify potential causes/sources of toxicity, effluent variability, and treatment system efficiency.
 - b. Identify the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices.
 - c. Develop actions that will be taken to mitigate the impact of the discharge and to prevent the recurrence of toxicity.

acceptability criteria be used for either dilution or control.

- d. Develop a schedule for TRE.
6. Toxicity Reduction Evaluation (TRE). If chronic toxicity is detected as a result of exceedance of the trigger specified in Section G.3.a., then the permittee shall conduct six additional tests (refer to Section G.1. for testing frequency).
- a. If chronic toxicity is detected in any of the six additional tests, then the permittee shall initiate a TRE and follow the steps prescribed in the facility's TRE Work Plan within fifteen (15) days of receipt of the sample results of the exceedance.
 - b. If none of the six tests indicates toxicity, then the permittee may return to the normal testing frequency specified in G.1.b.
7. Reporting Requirements
- a. The permittee shall submit the results of the toxicity tests, including any accelerated testing conducted during the month, in TU_c^3 , with the discharge monitoring reports (DMR) for the month in which the test is conducted. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, pursuant to Section 6, then those results shall also be submitted with the DMR for the quarter in which the investigation occurred.

³ $TU_c = 100/NOEC$ or $100/IC_p$ or $100/EC_p$ where p represents the percent effluent.

- b. The full toxicity report shall be submitted by the end of the month in which the DMR is submitted. The full toxicity report shall consist of:
- (1) the toxicity test results;
 - (2) the dates of sample collection and initiation of each toxicity test;
 - (3) the toxicity trigger for the facility (see Section G.3.b);
 - (4) the type of activity occurring (e.g., secondary treatment of domestic sewage);
 - (5) the flow rate at the time of sample collection; and
 - (6) the chemical parameter monitoring required for the outfall as defined in Part I.B. of the permit.
- d. Test results for chronic tests shall be reported according to the chapter in the test methods manual on Report Preparation, and shall be attached to the DMR.
- e. The permittee shall notify EPA in writing within fifteen (15) days of receipt of toxicity testing results that indicate the exceedance of the toxicity trigger (see Section G.3.a). The notification will describe actions the permittee has taken or will take to investigate and correct the cause(s) of toxicity. It may also include a status report on any actions required by the permit, with a schedule for actions not yet completed. Where no actions have been taken, the notification shall include the reasons for not taking action.

H. Design Criteria Requirement

1. The design criteria for the permitted facility are as follows:

Criteria	Value	Units
Average Flow	1.20	mgd
Influent BOD ₅ Loading	851	lbs/day
Influent TSS Loading	855	lbs/day

2. Each month, the permittee shall compute an annual average value for flow, and BOD₅ and TSS loading entering the facility based on the previous twelve months data or all data available, whichever is less. These values shall be reported on the monthly DMR in the comments section.
3. If the facility performs plant upgrades that affect design criteria listed in Table 4, only data collected after the upgrade should be used in determining the annual average value.
4. When the average annual values exceed 85% of the design criteria values listed in Table 4, the permittee shall develop a facility plan and schedule within one year from the date of first exceedance. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.

I. Definitions

1. "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.
2. "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.

3. “Biosolids” means any sludge or material derived from sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.
4. “Chronic toxicity” measures a sublethal effect (e.g., reduced growth, reproduction) in an effluent or ambient waters compared to that of the control organisms.
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. “Dry Weight-basis” means 100 percent solids (i.e., zero percent moisture).
7. “Effective concentration (EC)” is a point estimate of the toxicant concentration that would cause a given percent reduction (p) in quantal biological measurement (e.g., larval development, survival) calculated from a continuous model (e.g., Probit).
8. 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.
9. “Inhibition concentration (IC)” is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., the EPA Interpolation Model).
10. “Maximum daily discharge limitation” means the highest allowable “daily discharge”.
11. “Method detection limit (MDL)” is the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method (40 CFR 136).

12. “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 in a sample that is equivalent to 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.
13. “No observed effect concentration (NOEC)” is the highest concentration of toxicant to which organisms are exposed in a chronic test, that causes no observable adverse effect on the test organisms (e.g., the highest concentration of toxicant to which the values for the observed responses are not statistically significant different from controls.)
14. “Paint filter test” is a test (SW 9095) where a predetermined amount of sludge is placed in a paint filter. If any portion of the material passes through the filter in a five minute test period, the material is deemed to contain free liquids.
15. “Pathogen” means an organism that is capable of producing an infection or disease in a susceptible host.
16. “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.
17. “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 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 sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge 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.

18. “Suites of tests” means the two or three species used for testing during the permit term.
19. A “24-hour composite” sample shall mean a flow-proportioned mixture of not less than eight discrete aliquots. Each aliquot shall be a grab sample of not less than 100 mL and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
20. A “TRE” is a site-specific study conducted in a stepwise process to narrow the search for effective control measures for effluent toxicity.
21. “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.
22. “Vector attraction” is the characteristic of sewage sludge that attracts rodents, flies, mosquitos or other organisms capable of transporting infectious agents.

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 136, unless other test procedures have been specified in this permit. When conducting monitoring for total residual chlorine (Table 2), an analytical method detection limit of 0.100 mg/L shall be achieved.

- 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, Office of Water and the State agency at the following addresses:

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

copy to: Idaho Division of Environmental Quality
Pocatello Regional Office
224 South Arthur
Pocatello, Idaho 83204

- 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 DMRs, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- G. Twenty-four Hour Notice of Noncompliance Reporting
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part **III.G. Bypass of Treatment Facilities**),
 - b. Any upset which exceeds any effluent limitation in the permit (See Part **III.H. Upset Conditions**), or
 - c. Violation of a maximum daily discharge limitation for those toxic or hazardous pollutants identified within Table 1 of Section I.A.
 2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause,
 - b. The period of noncompliance, including exact dates and times,
 - c. The estimated time noncompliance is expected to continue if it has not been corrected, and

- d. Steps taken or planned to reduce, eliminate, and prevent re-occurrence of the noncompliance.
 3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
 4. Reports shall be submitted to the addresses in Part **II.C. Reporting of Monitoring Results**.
- H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports 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; permit termination, revocation and re-issuance, or modification; or 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 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 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, 303, 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.

- 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 waste waters 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

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

- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determined that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 2 of this section are met. No

determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Necessary upset demonstration conditions. 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

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

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

2. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works, and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- B. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
1. Wastes which will create a fire or explosion hazard in the treatment works;
 2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the treatment works is designed to accommodate such wastes;
 3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works;
 4. Waste waters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency; and
 5. Any pollutant, including oxygen demanding pollutants (e.g., BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR 403.

- 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. Notice is also required when the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, including notification of additional use or disposal sites not reported during the permit application process.
- E. **Anticipate Noncompliance.** The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- 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 re-issuance, 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**
 - 1. All applications, reports, or information submitted to the Director shall be signed and certified.

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

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

including the possibility of fine and imprisonment for knowing violations.”

- K. Availability or Reports. Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the 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 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.

- 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 Parts 122.62, 122.63 or 122.64, and 40 CFR Part 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 and includes, but is 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.