

DRAFT NPDES Permit No. DC0000337

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMT NUMBER DC0000337**

In compliance with the provisions of the Clean Water Act (the "Act"), as amended, 33. U.S.C. §1252 et seq.,

Washington Metropolitan Area Transit Authority (WMATA)

is authorized to discharge from a facility located at

WMATA Mississippi Avenue Pumping Station  
1400 Mississippi Avenue, SE  
Washington, DC 20032

to receiving waters named

Oxon Run

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III herein.

The effective issuance date of this permit is

This permit and the authorization to discharge shall expire 5 years from the date of issuance, unless the permittee has submitted a complete and timely application for a new permit, and the United States Environmental Protection Agency (EPA), through no fault of the permittee, does not issue a new permit before the expiration date of this permit.

This permit and the authorization to discharge shall expire at midnight, on

Signed this      day of

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Jon M. Capacasa, Director  
Water Protection Division  
U.S. Environmental Protection Agency  
Region III

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the issuance date and lasting through the expiration date, the permittee is authorized to discharge groundwater collected from the inbound and outbound track drainage areas within an approximate 7,000 foot section of tunnel and perimeter drains of the vent shaft.

As specified below, the discharge shall be monitored and sampled by the permittee at the discharge pipe, Outfall No. 001A, 38° 50' 26" latitude, 76° 59' 8" longitude, from the wet well prior to pumping and discharge to the District of Columbia storm sewer which outfalls to Oxon Run.

<u>Effluent Characteristic</u>	<u>(Kg/day) lb/day</u>		<u>Discharge Limitations</u>		<u>Monitoring Requirement</u>	
	<u>Monthly Avg.</u>	<u>Daily Avg.</u>	<u>Other units (mg/l)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
			<u>Monthly Avg.</u>	<u>Daily Max.</u>		
Flow (gpm)	Report Only		gpm	gpm	2/month	Measured
Total Suspended Solids	N/A	N/A	30	60	2/month	Grab
pH	Greater than 6.0 standard units and less than 8.5 standard units				2/month	Grab
Oil and Grease	N/A	N/A	10	15	2/month	Grab
Copper-total recoverable	Report Only		mg/l	mg/l	1/month	Grab
Zinc-total recoverable	Report Only		mg/l	mg/l	1/month	Grab
Total Nitrogen <sup>1</sup>	Report Only		mg/l	mg/l	annually	Grab

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<sup>1</sup>Total Nitrogen is the sum of total kjeldahl nitrogen (organic and reduced nitrogen), ammonia, and nitrate-nitrite. It can be derived by monitoring for total kjeldahl nitrogen, ammonia, and nitrate-nitrite and adding the components together.

Total Phosphorus	Report Only	mg/l	mg/l	annually	Grab
Naphthalene	Report Only	mg/l	mg/l	annually	Grab
2-methyl naphthalene	Report Only	mg/l	mg/l	annually	Grab
Acenaphthylene	Report Only	mg/l	mg/l	annually	Grab
Acenaphthene	Report Only	mg/l	mg/l	annually	Grab
Fluorene	Report Only	mg/l	mg/l	annually	Grab
Perylene	Report Only	mg/l	mg/l	annually	Grab
Indeno[1,2,3-c,d]pyrene	Report Only	mg/l	mg/l	annually	Grab
Benzo[g,h,i]perylene	Report Only	mg/l	mg/l	annually	Grab
Arsenic-dissolved	Report Only	mg/l	mg/l	annually	Grab
Lead-dissolved	Report Only	mg/l	mg/l	annually	Grab
Chlordane	Report Only	mg/l	mg/l	annually	Grab
DDT	Report Only	mg/l	mg/l	annually	Grab
DDD	Report Only	mg/l	mg/l	annually	Grab
DDE	Report Only	mg/l	mg/l	annually	Grab
Phenanthrene	Report Only	mg/l	mg/l	annually	Grab

Fluoranthene	Report Only	mg/l	mg/l	annually	Grab
Pyrene	Report Only	mg/l	mg/l	annually	Grab
Benz[a]anthracene	Report Only	mg/l	mg/l	annually	Grab
Chrysene	Report Only	mg/l	mg/l	annually	Grab
Benzo[k]fluoranthene	Report Only	mg/l	mg/l	annually	Grab
Benzo[a]pyrene	Report Only	mg/l	mg/l	annually	Grab
Dieldrin	Report Only	mg/l	mg/l	annually	Grab
Heptachlor Epoxide	Report Only	mg/l	mg/l	annually	Grab
Total PCBs	Report Only	mg/l	mg/l	annually	Grab
Fecal Coliform	Report Only	mg/l	mg/l	annually	Grab
Escherichia coli	Report Only	mg/l	mg/l	annually	Grab

## STANDARD CONDITIONS FOR NPDES PERMITS

### Section A. GENERAL CONDITIONS

#### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may result in an enforcement action; permit termination, revocation and reissuance, or modification; and/or denial of a permit renewal application.

#### 2. Civil and Criminal Penalties for Violations of Permit Conditions

Nothing in this permit shall construe to relieve the permittee from civil or criminal penalties for noncompliance.

The Clean Water Act provides that any person who violates any permit condition or limitation implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing such section, or any requirement imposed in an approved pretreatment program and any person who violates any Order issued by EPA under Section 301 (a) of the Act, shall be subject to a civil penalty not to exceed \$25,000 per day for each such violation. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, EPA has raised the statutory maximum penalty for such violations to \$37,500 per day for each such violation. 74 Fed. Reg. 626 (Jan. 7, 2009). The Clean Water Act also provides for an action for appropriate relief including a permanent or temporary injunction.”

Any person who negligently violates Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, any permit condition or limitation implementation of any such section, shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of such violation, or by imprisonment for not more than 3 years, or by both.

Any person who knowingly violates any permit condition or limitation implementing Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, and who knows at the time that s/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 by imprisonment of not more than 15 years, or by both.

#### 3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information newly acquired by the Agency, including but not limited to the results of the studies, planning, or monitoring described and/or required by this permit;
- e. Facility modifications, additions, and/or expansions;
- f. Any anticipated change in the facility discharge, including any new significant industrial discharges or changes in the quantity or quality of existing industrial discharges that will result in new or increased discharges of pollutant; or
- g. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The effluent limitations are based on the District of Columbia's water quality standards in accordance with the Clean Water Act. In the event of a revision of the District of Columbia's water quality standards this permit may be modified by EPA to reflect that revision.

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. When a permit is modified, only conditions subject to modification are reopened.

5. Toxic Pollutants

Notwithstanding paragraph A-4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, the permittee shall comply with such standard or prohibition even if the permit has not yet been modified to comply with the requirement.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic standards within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6. Civil and Criminal Liability

Except as provided in permit conditions on “Bypassing” Section B, Paragraph 3, and “Upsets” Section B, Paragraph 4, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. 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.

9. 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.

10. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstances, are held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Transfer of Permit

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. The current permittee notifies the EPA, in writing, of the proposed transfer at least 30 days in advance of the proposed transfer date;

- b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The EPA does not notify the current permittee and the new permittee of intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted.

12. Construction Authorization

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

13. Reopener Clause for Permits

This permit shall be modified or revoked and reissued to incorporate any applicable effluent standard or limitation issued or approved under Section 301, 304, or 307 of the Clean Water Act, in accordance with the Chesapeake Bay Agreement based on water quality considerations, and if the effluent standard or limitation so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this paragraph, shall also contain any other requirement of the Act then applicable.

This permit may also be reopened as specified in 40 C.F.R. § 122.44.

14. Endangered Species

The United States Fish and Wildlife Service (FWS) has indicated that Hay's Spring Amphipod, a Federally listed endangered species, occurs at several locations near, or in, the District of Columbia. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) has indicated that the endangered shortnose sturgeon occurs in the Potomac River drainage and may occur within the District of Columbia. The FWS and NOAA Fisheries indicate that at the present time there is no evidence that the discharges covered by this permit are adversely affecting these Federally listed species. Discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are not authorized under the terms and conditions of this permit.

The monitoring required by this permit will allow further evaluation of potential effects on these threatened and endangered species once monitoring data has been collected and analyzed. EPA requires that the permittee submit to NOAA Fisheries at the same time it submits to EPA the annual review of the monitoring data which will be used by EPA and

NOAA Fisheries to further assess effects on endangered or threatened species. If this data indicates it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on habitats of endangered and threatened species.

The above referenced annual review of monitoring data is required under this permit to be sent on an annual basis. If NetDMR (<http://www.epa.gov/netdmr/>) is unavailable to any of the following then the original and one copy of the Report are to be submitted at the following addresses:

United States Environmental Protection Agency  
Region III (3WP41)  
Water Protection Division  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

NOAA National Marine Fisheries Service  
Protected Resources Division  
55 Great Republic Drive  
Gloucester, Massachusetts 01930-2276

## **Section B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

### 1. 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 condition of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

### 2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the permittee shall either, to the extent necessary to maintain compliance with its permit, control production or halt discharges, or both, until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. 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.

3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "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.

b. Bypass not exceeding limitations

(1) 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 c and d of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph 6 (24-hour notice).

d. Prohibition of bypass

(1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) 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 the permittee could have installed adequate

backup during normal periods of equipment downtime or preventative maintenance; and

(c) The permittee submitted notices as required under Paragraph c of this section.

(2) 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 d (1) of this section.

4. Upset Conditions

a. Definition

(1) “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, maintenance, or careless or improper operation.

b. Effect of an upset

(1) An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section are met. The 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.

c. Conditions necessary for a demonstration of upset

(1) 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 specific 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 in Section D, Paragraph 6; and
- (d) The permittee complied with any remedial measures required under Section A, Paragraph 3.

d. Burden of proof

(1) In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

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 all pollutants from such materials from entering navigable waters.

**Section C. MONITORING AND RECORDS**

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit. Monitoring points shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device.

3. Monitoring Procedures

Monitoring shall be conducted according to test procedures approved under 40 C.F.R. § 136, unless other test procedures have been specified in this permit.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or imprisonment for not more than 6 months per violation, or both.

5. Reporting of Monitoring Results

Monitoring results shall be reported on a Discharge Monitoring Report (DMR) from EPA No. 3320-1. Monitoring results shall be reported monthly. Monitoring results obtained during the previous month shall be summarized and reported on a DMR form postmarked no later than the 28<sup>th</sup> day of the following month. If NetDMR (<http://www.epa.gov/netdmr/>) is unavailable to any of the following then the original and one copy of the Report are to be submitted at the following addresses:

U.S. EPA Region III (3WP41)  
Water Protection Division  
NPDES DMRs  
1650 Arch Street  
Philadelphia, PA 19103-2029

District of Columbia Government  
Department of Health  
Environmental Health Administration  
5<sup>th</sup> Floor  
51 N Street, NE  
Washington, DC 20002

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 C.F.R. § 136 or as specified by this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR form. Such frequency shall also be indicated.

7. 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 (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, time, and methods of sampling or measurement;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and

f. The results of such analyses.

9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises at reasonable times where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), processes, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

10. Definitions

- a. The "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.
- b. The "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.
- c. The "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.
- d. The "maximum daily discharge limitation" means the highest allowable "daily discharge."

- e. A “composite sample” means the combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.
- f. A “grab sample” is an individual sample collected in less than 15 minutes.
- g. Immersion stabilization, “i-s,” is a calibrated device that is immersed in the effluent stream until the reading is stabilized.
- h. The “monthly average temperature” means the arithmetic mean of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- i. The “daily maximum temperature” means the highest arithmetic mean of the temperature observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.
- j. “At outfall xxx” means a sample location before the effluent joins, or is diluted by, another waste stream, body of water, or substance, or as otherwise specified.
- k. “Estimate” means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
- l. “EPA” or “Director” means the U.S. Environmental Protection Agency.

#### **Section D. REPORTING REQUIREMENTS**

1. 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.

2. 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.

3. Transfers

This permit is not transferable to any person except after notice to the Director as specified in Section A, Paragraph 11. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Section C, Paragraph 5 (monitoring).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance may include any remedial actions taken, and the probability of meeting the next schedule requirement.

6. Twenty-four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a minimum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours and the noncompliance does not endanger health or the environment.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D, Paragraphs 1, 4, 5, and 6 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph 6.

8. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following “notification levels:”

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application;

(4) The level established in Part III of the permit by the Director.

b. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

9. Duty to Provide Information

The permittee shall furnish 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.

10. 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 shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. In the event that a timely and complete reapplication has been submitted and the Director is unable, though no fault of the

permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 C.F.R. § 122.22.

12. Availability of Reports

Unless a business confidentiality claim is asserted pursuant to 40 C.F.R. § 2, all reports submitted 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 EPA Regional Administrator. If a business confidentiality claim is asserted, the report will be disclosed only in accordance with the procedures in 40 C.F.R. § 2. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

13. Penalties – Criminal

The Clean Water Act, 33 U.S.C Section 1319(c), subjects persons violating a permit condition, providing false information in documents required to be maintained by the statutes and its regulations, or tampering with monitoring equipment to criminal prosecution. Knowing violations are punishable by a prison term of up to three years, a fine between \$5,000 and \$50,000 per day of violation, or both. Knowing violations which place a person in imminent danger of death or serious bodily injury may be punished by a prison term of up to 15 years, a fine of up to \$250,000, or both. In the case of an organization, the maximum fine for this crime is \$1,000,000. Negligent violations are punishable by a prison term of up to one year, a fine between \$2,500 and \$25,000 per day of violation, or both. Falsifying documents required to be maintained by the Clean Water Act or tampering with monitoring equipment is punishable by a prison term of up to two years, a fine of \$10,000, or both. False statements concerning matters with the jurisdiction of a federal agency are also punishable pursuant to 18 U.S.C. 1000 by a prison term of up to five years, a fine of up to \$10,000, or both.

14. Correction of Reports

If the permittee becomes aware that it submitted incorrect information in any report to the Director, it shall promptly submit the correct information.

**SPECIAL CONDITIONS**

1. Total Maximum Daily Loadings (TMDL) Development/Implementation

EPA has an approved TMDL for Oxon Run for organics, metals, and bacteria including a wasteload allocation (WLA) that is applicable to the discharge of those pollutants [see

District of Columbia Department of Health TMDL Document dated December, 2004, entitled “Total Maximum Daily Load for Organics, Metals, and Bacteria in Oxon Run”] based on the listed 303(d) impairments for this water body. EPA also has an approved TMDL for the Chesapeake Bay for nutrients and sediment including a wasteload allocation (WLA) that is applicable to the discharge of those pollutants [see EPA document dated December 29, 2010, entitled “Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment”]. EPA has developed permit requirements above (including limits for total suspended solids and metals as well as monitoring) that are consistent with the assumptions and requirements of the applicable TMDL WLAs. In the event that EPA determines through monitoring that the pollutant discharges cause or contribute to the exceedance of applicable water quality standards (e.g., through a reasonable potential analysis), or EPA approves, revises, or withdraws any TMDLs pertaining to the discharge from this facility, EPA reserves the right to revoke, reopen, modify, and reissue the permit to ensure compliance with the TMDLs.

2. Monitoring of Pollutants Identified in the Oxon Run TMDL and the Chesapeake Bay TMDL

The EPA-approved Oxon Run TMDL for organics, metals, and bacteria does not provide an individual waste load allocation (WLA) or load allocation (LA) for the permitted facility, WMATA Mississippi Ave Pumping Station, permit number DC0000337. The discharge of those pollutants from this facility are covered by the Oxon Run TMDL allocation to the DC MS4 permit. To maintain consistency with the assumptions and requirements of the Oxon Run TMDL, EPA is requiring monitoring requirements for the two known pollutants being discharged from the permitted facility, specifically copper and zinc, to ensure that the discharge of those pollutants do not exceed the applicable DC water quality standards prior to discharge. The monitoring requirements for those pollutants are provided for above under Section A, Effluent Limitations and Monitoring Requirements. Additionally, the permittee will be required to scan annually for the remaining pollutants in the Oxon Run TMDL. See number 3 below for further information.

The EPA Chesapeake Bay TMDL aggregate WLA covering this facility provides a basis for permit requirements for total nitrogen (TN), total phosphorus (TP), and total suspended solids (TSS). In the development of the TMDL, the total suspended solids (TSS) discharged from each facility was used to inform the calculation of the annual aggregate load of sediment for nine non-significant DC dischargers (including the Permittee). These facilities may discharge and still ensure attainment of applicable water quality in the receiving waters and the Chesapeake Bay at current individual TSS limits. Consistent with the Bay TMDL WLA assumptions and requirements, EPA is establishing the TSS effluent limits as well as monitoring requirements for TN and TP as permit requirements. The Permittee’s limits for TSS are provided for above under Section A, Effluent Limitations and Monitoring Requirements. In addition, the permittee will be required to scan for the remaining pollutants in the Chesapeake Bay TMDL. See number 3 below for further information.

3. List of Pollutants to be Included in Annual Pollutant Scan

To ensure consistency with the assumptions and requirements of the Oxon Run TMDL and the Chesapeake Bay TMDL, the permittee shall provide an annual pollutant scan with the submittal of each annual report. The scan shall include at a minimum the pollutants identified in each of those TMDLs for which effluent limits or monitoring requirements are not already required under this permit. If the results of the monitoring for any pollutant in the Annual Pollutant Scan have detectable quantities that have a reasonable potential to exceed applicable water quality standards or TMDL WLAs, EPA reserves the authority to modify or revoke and reissue the permit to incorporate any such applicable effluent standard or limitation to maintain compliance with either applicable water quality standards or TMDL. The permittee shall use monitoring and reporting procedures consistent with Section C. Monitoring and Records, and Section D. Reporting Requirements, above. The annual pollutant scan shall monitor for the pollutants as listed above under A. Effluent Limitations and Monitoring Requirements.

4. Monitoring of Priority Pollutants

Within ninety (90) days of the effective date of the permit, the permittee shall submit to the District of Columbia Department of Health and EPA an analysis for the parameters listed below, collected using test procedures approved under 40 C.F.R. § 136 or as specified in this permit:

- |                                |                                  |
|--------------------------------|----------------------------------|
| 1. Acenaphthene                | 22. Chloroform                   |
| 2. Acrolein                    | 23. 2-chlorophenol               |
| 3. Acrylonitrile               | 24. 1,2-dichlorobenzene          |
| 4. Benzene                     | 25. 1,3-dichlorobenzene          |
| 5. Benzidine                   | 26. 1,4-dichlorobenzene          |
| 6. Carbon tetrachloride        | 27. 3,3-dichlorobenzidine        |
| 7. Chlorobenzene               | 28. 1,1-dichloroethylene         |
| 8. 1,2,4-trichlorobenzene      | 29. 1,2-trans-dichloroethylene   |
| 9. Hexachlorobenzene           | 30. 2,4-dichlorophenol           |
| 10. 1,2-dichloroethane         | 31. 1,2-dichloropropane          |
| 11. 1,1,1-trichloroethane      | 32. 1,2-dichloropropylene        |
| 12. Hexachloroethane           | 33. 2,4-dimethylphenol           |
| 13. 1,1-dichloroethane         | 34. 2,4-dinitrotoluene           |
| 14. 1,1,2-trichloroethane      | 35. 2,6-dinitrotoluene           |
| 15. 1,1,2,2-tetrachloroethane  | 36. 1,2-diphenylhydrazine        |
| 16. Chloroethane               | 37. Ethylbenzene                 |
| 17. Bis(2-chloroethyl) ether   | 38. Fluoranthene                 |
| 18. 2-chloroethyl vinyl ethers | 39. 4-chlorophenyl phenyl ether  |
| 19. 2-chloronaphthalene        | 40. 4-bromophenyl phenyl ether   |
| 20. 2,4,6-trichlorophenol      | 41. Bis(2-chloroisopropyl) ether |
| 21. Parachlorometa cresol      | 42. Bis(2-chloroethoxy) methane  |

43. Methylene chloride
44. Methyl chloride
45. Methyl bromide
46. Bromoform
47. Dichlorobromomethane
48. Chlorodibromomethane
49. Hexachlorobutadiene
50. Hexachlorocyclopentadiene
51. Isophorone
52. Naphthalene
53. Nitrobenzene
54. 2-nitrophenol
55. 4-nitrophenol
56. 2,4-dinitrophenol
57. 4,6-dinitro-o-cresol
58. N-nitrosodimethylamine
59. N-nitrosodiphenylamine
60. N-nitrosodi-n-propylamine
61. Pentachlorophenol
62. Phenol
63. Bis(2-ethylhexyl) phthalate
64. Butyl benzyl phthalate
65. Di-N-Butyl Phthalate
66. Di-n-octyl phthalate
67. Diethyl Phthalate
68. Dimethyl phthalate
69. benzo(a) anthracene
70. Benzo(a)pyrene
71. Benzo(b) fluoranthene
72. Benzo(b) fluoranthene
73. Chrysene
74. Acenaphthylene
75. Anthracene
76. Benzo(ghi) perylene
77. Fluorene
78. Phenanthrene
79. Dibenzo(h) anthracene
80. Indeno (1,2,3-cd) pyrene
81. Pyrene
82. Tetrachloroethylene
83. Toluene
84. Trichloroethylene
85. Vinyl chloride
86. Aldrin
87. Dieldrin
88. Chlordane
89. 4,4-DDT
90. 4,4-DDE
91. 4,4-DDD
92. Alpha-endosulfan
93. Beta-endosulfan
94. Endosulfan sulfate
95. Endrin
96. Endrin aldehyde
97. Heptachlor
98. Heptachlor epoxide
99. Alpha-BHC
100. Beta-BHC
101. Gamma-BHC
102. Delta-BHC
103. PCB-1242 (Arochlor 1242)
104. PCB-1254 (Arochlor 1254)
105. PCB-1221
106. PCB-1232
107. PCB-1248
108. PCB-1260
109. PCB-1016
110. Toxaphene
111. Antimony
112. Arsenic
113. Asbestos
114. Beryllium
115. Cadmium
116. Chromium
117. Copper
118. Cyanide, Total
119. Lead
120. Mercury
121. Nickel
122. Selenium
123. Silver
124. Thallium
125. Zinc
126. 2,3,7,8-TCDD

EPA will evaluate the results of the data submitted and make a determination whether water quality-based limits are needed. If water quality-based effluent limits are needed, the permit will be reopened to include such requirements. Should the permit be reopened, EPA will issue public notice of any further actions, in accordance with the provisions of 40 C.F.R. § 124.10 and 40 C.F.R. §124.57.