

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

Four Penn Center 1600 John F. Kennedy Boulevard Philadelphia, Pennsylvania 19103-2852

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

NPDES Permit No. DC0000345

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",

United States National Park Service National Mall & Memorial Parks 900 Ohio Drive, S.W. Washington, D.C. 20024

is authorized to discharge from a facility located at

National World War II Memorial 17th Street and Independence Avenue, S.W. Washington, D.C. 20024

to receiving waters named

Tidal Basin: An impoundment bordering the Middle Potomac River and the Washington Ship Channel

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

This permit shall become **effective** on the first day of the calendar month immediately following 30 days after signature, which is March 1, 2024

This permit and the authorization to discharge shall **expire** at midnight, on February 28, 2029.

This permit and the authorization to discharge shall expire five (5) years from the last day of the month preceding the effective date, unless the permittee has submitted a complete and timely application for a new permit, and the U.S. Environmental Protection Agency (EPA), through no fault of the permittee, does not issue a new permit before the expiration date of this permit. In such a case, the permit will be administratively extended until such time as EPA issues a new permit.

The permittee shall apply for permit reissuance by September 1, 2028 which is 180 days before the expiration of this permit, if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

This permit supersedes the permit issued on July 3, 2018.	
Signed and Issued on:	
	for Catherine Libertz, Division Director
	Water Division

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PART I. Limitations and Monitoring Requirements

Section A. Authorized Discharges

This permit authorizes the discharge of stormwater comingled with groundwater and pool flushings collected from the World War II Memorial site to the Tidal Basin that comply with the requirements of this permit. 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. Samples taken in compliance with the monitoring requirements specified below shall be taken at the wet well due to the inaccessibility of Outfall 001.

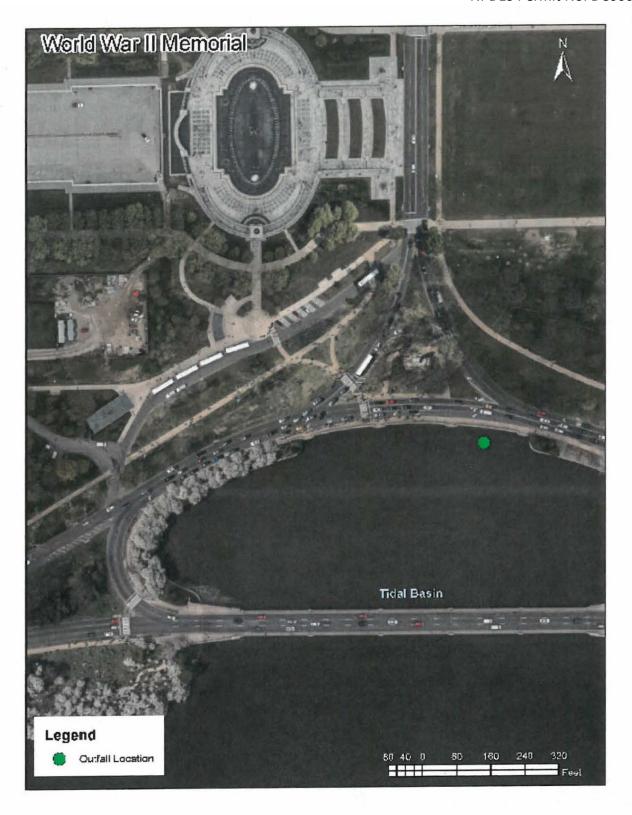
Section B. Outfall 001 Effluent Limitations and Monitoring Requirements – Tidal Basin

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from the Tidal Basin via Outfall 001. These discharges are subject to the special condition provisions found in Part III of this permit. As specified below, the discharge shall be monitored at the wet well located under the main plaza prior to pumping to the Tidal Basin and discharging via Outfall 001 latitude: 38° 53′27″N longitude: 77° 02′ 41″W

	Discharge Limitation			Monitoring Requirements (1)(2)(4)		
Parameter	Mass Units (lbs/day)		Concentration (mg/L)		Minimum Cample	
	Average	Maximum	Average	Maximum	Minimum Sample Frequency	Sample Type
	Monthly	Daily	Monthly	Daily		
Flow (gallons per day or gpd)	N/A	N/A	Report	Report	Continuous	Estimated
Total Suspended Solids	N/A	N/A	30	60	Monthly ⁽³⁾	Grab
Oil and Grease	N/A	N/A	10	15	Monthly ⁽³⁾	Grab
Iron (interim)	N/A	N/A	Report	Report	Monthly ⁽³⁾	Grab
Iron (final)	N/A	N/A	1.3	4.2	Monthly ⁽³⁾	Grab
E. coli (interim)	N/A	N/A	Report	Report	Monthly ⁽³⁾	Grab
E. coli (final)	N/A	N/A	126	400	Monthly ⁽³⁾	Grab
pH (Std units)	6.0 - 8.5			Monthly ⁽³⁾	Grab	
Total Residual Chlorine ⁽⁵⁾	N/A	N/A	<0.1	Report	Monthly ⁽³⁾	Grab
The discharge shall be free from floating solids, sludge deposits, debris, and scum in other than trace amounts.						

Endnotes for Outfall 001

- (1) The Permittee must sample each time a discharge occurs. Discharge samples for Outfall 001 must be taken from the wet well located underneath the main plaza. Changes in sampling location must be approved in writing by the U.S. Environmental Protection Agency (EPA). Sampling discharges from the facility must yield data representative of the discharge under authority of CWA Section 308(a) and in accordance with 40 Code of Federal Regulations (C.F.R.) § 122.41(j), § 122.44(j), and § 122.48.
- (2) All samples are to be taken within thirty (30) minutes of the beginning of the discharge. If collection of grab sample(s) during the first thirty minutes is impracticable, grab sample(s) must be taken as soon after that as possible, and the Permittee shall record and keep as part of the Permittee's Stormwater Pollution Prevention Plan (SWPPP) a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable (See Part I.D.6.b). If no storm event results in a discharge from Outfall 001 during the monthly monitoring period, then a dry weather discharge shall be monitored instead. A dry weather discharge is any discharge that occurs from outfall 001 which is not a result of a storm event but rather from a combination of any of the other permitted discharges including groundwater, pool, and fountain water.
- (3) Measurement frequency of monthly is defined as the recording of a *minimum* of one measurement for each calendar month.
- (4) In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O, for the analysis of pollutants or pollutant parameters limited in this permit. A method is considered "sufficiently sensitive" when either: (1) the method minimum level (ML) is at or below the level of the effluent limit established in this permit for the measured pollutant or pollutant parameter; or (2) the method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O for the measured pollutant or pollutant parameter. The ML is not the minimum level of detection, but rather the lowest level at which the test equipment produces a recognizable signal and acceptable calibration point for a pollutant or pollutant parameter, representative of the lowest concentration at which a pollutant or pollutant parameter can be measured with a known level of confidence. For the purposes of this permit, the detection limit is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions (i.e., the level above which an actual value is reported for an analyte, and the level below which an analyte is reported as non-detect).
- (5) The discharge of total residual chlorine shall not be greater than the non-detect level of less than 0.1 mg/L and monitored by grab samples whenever discharges of chlorinated pool and fountain water occur. If a discharge occurs more often than once in a month, the monthly reporting shall be the thirty-day average of the values.



Section C. Additional Monitoring and Reporting Requirements

The Permittee is obligated to monitor and report sampling results to EPA and DC's Department of Energy and Environment (DOEE) via NetDMR within the time specified within the permit. Unless otherwise specified in this permit, the permittee shall submit reports, requests, and information and provide notices in the manner described below.

1. Submittal of DMRs Using NetDMR

All reports and forms submitted in compliance with this section must be submitted electronically by the Permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR § 122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting.

Beginning on the effective date of the permit, the permittee must submit its monitoring data in DMRs to EPA **no later than the 28**th **day of the month following the completed monitoring period** using EPA's NetDMR electronic reporting tool found at: (https://npdes-ereporting.epa.gov/net-netdmr). The permittee must also submit analytical data sheets from any laboratory it uses through the NetDMR system as attachments to the DMR.

2. Reporting Data on Discharge Monitoring Reports (DMRs)

- a. When a parameter is detected below the ML but above the method detection limit (MDL), and the laboratory provides an estimated value, this estimated value must be reported on the DMRs. If an estimated value is not calculated by the laboratory, the Permittee must report the data qualifier signifying less than the ML for that parameter (e.g., $< 50 \,\mu\text{g/L}$), if the ML for a parameter is $50 \,\mu\text{g/L}$).
- b. When a parameter is not detected at or below the MDL (i.e. non-detect), the Permittee shall report zero ("0") on the DMR. The lab reports must indicate that the non-detect being reported by the lab is based on a non-detect <u>below the MDL.</u>
- c. No-Discharge codes or NODI codes should only be used when required monitoring was not conducted. Non-detects should be reported in accordance with Part I.C.2.b above.

3. Submittal of Attachments in NetDMR

a. Data Spreadsheets

The permittee shall electronically submit all excel spreadsheets to EPA as NetDMR attachments rather than as hard copies. The spreadsheets shall be submitted at the time the DMRs are submitted (which is no later than the 28th day of the month following the completed monitoring period). If there is no discharge reported for the monitoring period, then data spreadsheets are not expected to be submitted.

b. Reports and Studies

The permittee shall electronically submit any additional reports and studies to EPA as NetDMR attachments rather than as hard copies. Because the due dates for these

additional submissions may not coincide with the due date for submitted DMRs (which is no later than the 28th day of the month following the completed monitoring period), reports or studies that are submitted electronically as a NetDMR attachment shall be considered timely if it is electronically submitted to EPA with the next DMR due following the due date for any reports or studies specified in this permit.

- 4. Discharge samples for all outfalls must be taken from the locations specified in Part I.B of the permit. Changes in sampling location must be approved in writing by the U.S. Environmental Protection Agency (EPA). Sampling discharges from the facility must yield data representative of the discharge under authority of CWA Section 308(a) and in accordance with 40 Code of Federal Regulations (C.F.R.) § 122.41(j), § 122.44(i), and § 122.48.
- 5. The sampling frequency in Part I.B of this permit is a minimum sampling frequency. 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 result of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR) form. Such frequency shall also be indicated.
- 6. In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O, for the analysis of pollutants or pollutant parameters limited in this permit. A method is considered "sufficiently sensitive" when either: (1) the method minimum level (ML) is at or below the level of the effluent limit established in this permit for the measured pollutant or pollutant parameter; or (2) the method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O for the measured pollutant or pollutant parameter. The ML is not the minimum level of detection, but rather the lowest level at which the test equipment produces a recognizable signal and acceptable calibration point for a pollutant or pollutant parameter, representative of the lowest concentration at which a pollutant or pollutant parameter can be measured with a known level of confidence. For the purposes of this permit, the detection limit is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions (i.e., the level above which an actual value is reported for an analyte, and the level below which an analyte is reported as non-detect).

PART II. Standard Conditions

Section A. General Conditions

This permit is issued subject to all applicable federal regulations. Failure to set forth the full language of any applicable regulation or requirement below, however, does not change or waive its applicability in any way.

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 (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402 (a)(3) or 402 (b)(8) of the CWA, is subject to a civil penalty. Any person who negligently or knowingly violates such sections of the CWA or such permit requirements is subject to criminal penalties or by imprisonment, or both.
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA.

Note: See 40 C.F.R. §122.41(a) for "Duty to Comply" regulations.

2. 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 notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 122.41(f)]

3. Duty to Provide Information

The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator 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 Regional Administrator, upon request, copies of records required to be kept by this permit. [40 C.F.R. § 122.41(h)]

4. Reopener Clause

The effluent limitations in this permit are based on the District of Columbia's water quality standards and TMDL documents prepared in accordance with the Clean Water Act and applicable regulations. In the event of a revision of the District of Columbia's water quality standards and/or

the TMDLs, this permit may be modified by EPA to reflect this revision. The Regional Administrator reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA in order to bring all discharges into compliance with the CWA.

Federal regulations pertaining to permit modification, revocation and reissuance, and termination are found at 40 C.F.R. §§ 122.62, 122.63, 122.64, and 124.5.

5. 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 responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the CWA, or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges. [40 C.F.R. § 122.41(g)]

7. Confidentiality of Information

- a. In accordance with 40 C.F.R. Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 C.F.R. Part 2 (Public Information).
- b. Claims of confidentiality for the following information will be denied:
 - (1) The name and address of any permit applicant or permittee;
 - (2) Permit applications, permits, and effluent data as defined in 40 C.F.R. §2.302(a)(2).
- c. Information required by NPDES application forms provided by the Regional Administrator under 40 C.F.R. § 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

Note: See 40 C.F.R. §122.7 for "Confidentiality of Information" regulations.

8. 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 Permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Regional Administrator. (The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) [40 C.F.R. § 122.41(b)]

9. State Authorities

Nothing in 40 C.F.R. Parts 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an authorized State program. [40 C.F.R. § 122.1(a)(5)]

10. Other Laws

The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local laws and regulations. [40 C.F.R. §122.5(c)]

Section B. Operation & 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 conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [40 C.F.R. § 122.41(e)]

2. Need to Halt or Reduce 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. [40 C.F.R. § 122.41(c)]

3. 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. [40 C.F.R. § 122.41(d)]

4. Bypass

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

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 B.4.c. and 4.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 paragraph D.1.e of this part (Twenty-four hour reporting).

d. Prohibition of bypass

- (1) Bypass is prohibited, and the Regional Administrator 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 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 preventative maintenance; and
 - (C) The permittee submitted notices as required under Paragraph 4.c. of this section.
- (2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph 4.d(1). of this section.

Note: See 40 C.F.R. §122.41(m) "Bypass" for regulations.

5. Upset

a. Definition. *Upset* means an exceptional incident in which there is an 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.

- b. 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 B.5.c. 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.
- c. 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:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in paragraph D.1.e. (Twenty-four hour notice); and
 - (4) The permittee complied with any remedial measures required under B.3. above.
 - d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

Note: See 40 C.F.R. §122.41(n) "Upset" for regulations.

Section C. Monitoring Requirements

- 1. Monitoring and Records
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. 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 3 years from the date of the sample, measurement, report or application except for the information concerning storm water discharges which must be retained for a total of 6 years. This retention period may be extended by request of the Regional Administrator at any time.
 - c. 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.
- d. Monitoring results must be conducted according to test procedures approved under 40 C.F.R. Part 136 unless another method is required under 40 C.F.R. Subchapters N or O.
- e. The CWA 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 or by imprisonment, or both.

Note: See 40 C.F.R. §122.41(j)(5) for "Monitoring and records" regulations.

2. Inspection and Entry

The permittee shall allow the Regional Administrator or an authorized representative (including an authorized contractor acting as a representative of the Regional Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. 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;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

Note: See 40 C.F.R. §122.41(i) for "Inspection and Entry" regulations.

Section D. Reporting Requirements

1. Reporting Requirements

a. Planned Changes.

The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

- (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. § 122.29(b); or
- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 C.F.R. § 122.42(a)(1).

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Anticipated noncompliance.

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. [40 C.F.R. §122.41(I)(2)]

c. Transfers.

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator 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 CWA. (See 40 C.F.R. § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

d. Monitoring reports.

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Regional Administrator for reporting results of monitoring of sludge use or disposal practices.
- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. Part 136 or, another method required for an industry-specific waste stream under 40 C.F.R. subchapters N or O, the results of the monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Administrator.
- (3) Calculations for all limitations which require averaging or measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

e. Twenty-four hour reporting

(1) 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 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 reoccurrence of the noncompliance.

- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 C.F.R. § 122.41(g).)
 - (b) Any upset which exceeds any effluent limitation in the permit.
 - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours. (See 40 C.F.R. § 122.44(g).)
- (3) The Regional Administrator may waive the written report on a case-by-case basis for reports under Paragraph D.1.e. if the oral report has been received within 24 hours.

f. Compliance Schedules.

Reports of compliance or noncompliance with, any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

g. Other noncompliance.

The permittee shall report all instances of noncompliance not reported under Paragraphs D.1.a, D.1.d., D.1.e., and D.1.f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D.1.e. of this section.

h. Other information.

Where 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 in any report to the Regional Administrator, it shall promptly submit such facts or information.

Note: See 40 C.F.R. §122.41(I) for "Reporting Requirements" regulations

2. Signatory Requirement

a. All applications, reports, or information submitted to the Regional Administrator shall be signed and certified. (See 40 C.F.R. § 122.22)

b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine or by imprisonment, or by both.

Note: See 40 C.F.R. 122.41(k) for complete "Signatory Requirement" regulations

3. Availability of Reports

Except for data determined to be confidential under Paragraph A.7 above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA. [40 C.F.R. § 2.302(f)]

Part III. Special Conditions

Section A. Compliance Schedule for E. coli and iron

The Permittee shall comply with the requirements as soon as possible, but in no event later than the dates set forth in the following schedule for *E. coli*:

- 1. Within twelve (12) months of permit effective date the Permittee shall submit an action plan to EPA and begin implementation of the action plan to meet the new effluent limitations for *E. coli*. The action plan shall include, at a minimum, a review of the study that was conducted during the previous permit term and determine what further studies are needed to get a better understanding of what sources are contributing to the elevated *E. coli* levels in the discharge. If further studies are required, these shall be outlined and included in the action plan submitted to EPA under this milestone.
- 2. Within twenty four (24) months of the permit effective date the Permittee shall have completed implementation of the action plan and submit a report to EPA that identifies the source(s) of *E. coli* including whether seasonal variations is a factor contributing to elevated levels. The final report must also identify what measures will be taken to reduce or eliminate *E. coli* concentration in the discharge (i.e. treatment options, Best Management Practices (BMPs) etc.)
- 3. Within thirty (30) months of the permit effective date the Permittee shall implement *E. coli* mitigation or elimination measures and make any adjustments necessary to meet the final effluent limitations.
- 4. Within thirty six (36) months of the permit effective date the Permittee shall attain compliance with the final *E. coli* effluent limitations specified in Part I.B. of this permit.

The permittee shall comply with the requirements as soon as possible, but in no event later than the dates set forth in the following schedule for **iron**:

- 1. Within twelve (12) months of the permit effective date, the permittee shall submit a final action plan to EPA and begin implementing the plan to come into compliance with the final effluent limitations for iron.
- 2. Within Twenty four (24) months of the permit effective date, the Permittee shall complete implementation of the plan and attain compliance with the final iron effluent limitations specified in Part I.B. of this permit.

Reports of compliance or non-compliance with, and progress reports on interim and final requirements contained in the above compliance schedule, if any, shall be postmarked no later than 14 days following each schedule date.

Section B. Monitoring Requirements for Arsenic and Manganese

The Permittee is required to submit a minimum of three (3) samples within the first year of the permit term for arsenic and manganese. A sufficiently sensitive test method must be used to determine consistency with the District's water quality standard for these pollutants. EPA may reopen the permit to establish additional requirements based on the results of the sampling.

Pollutant	D.C. Water Quality Standard
Dissolved arsenic	0.14 μg/L
Manganese	100 μg/L

Section C. Monitoring Requirements for TN and TP (Chesapeake Bay TMDL Pollutants)

The Permittee must submit sampling data for Total Nitrogen (TN) and Total Phosphorus (TP) with the next permit reissuance application. A total of three (3) samples for each pollutant must be submitted to verify existing loads are consistent with the assumptions of the aggregate wasteload allocations of the Chesapeake Bay TMDL.

Section D. Stormwater Pollution Prevention Plan

- 1. The permittee shall maintain a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce, or prevent, the discharge of pollutants in stormwater to the receiving waters identified in this permit. The SWPPP shall be a written document and consistent with the terms of this permit. The permittee shall comply with the terms of its SWPPP and the SWPPP shall serve as a tool to document the permittee's compliance with the terms of this permit.
- 2. The SWPPP, including the SWPPP site map, shall be updated and signed by the permittee within 90 days after the effective date of this Permit. The permittee shall certify that the SWPPP has been completed or updated and that it meets the

requirements of the permit. The certification shall be signed in accordance with the requirements identified in 40 CFR §122.22. A copy of this certification and a hardcopy of the SWPPP shall be sent to EPA within thirty (30) days after the certification date.

- 3. The SWPPP shall include best management practices (BMPs) in accordance with Part III.D of this permit for on-site activities that will minimize the discharge of pollutants in stormwater to waters of the District.
- 4. The SWPPP shall be prepared in accordance with good engineering practices, identify potential sources of pollution that may reasonably be expected to affect the quality of the stormwater discharges, and describe and ensure implementation of practices which will be used to reduce the pollutants and assure compliance with this permit. Specifically, the SWPPP shall contain the elements listed below:
 - a. A pollution prevention team responsible for developing, implementing, maintaining, revising and ensuring compliance with the SWPPP.
 - b. A site description which includes a list of activities at the facility; a site map showing drainage areas and direction of stormwater flows; receiving waters and outfall location; the location of industrial activities, storage, disposal, material handling; and all structural controls.
 - c. A summary of all pollutant sources which includes all areas where spills have occurred or could occur. For each source, identify the expected drainage and the corresponding pollutant.
 - d. A description of all stormwater controls, both structural and non-structural. All BMPs shall be properly maintained and be in effective operating condition. The SWPPP shall describe how the BMPs are appropriate for the facility.
 - e. A record of the following information for chemical products that could potentially have an impact to stormwater associated with industrial activity as defined in §122.26(b)(14)(i)-(ix),(xi):
 - i. Product name, chemical formula, and manufacturer;
 - ii. Purpose or use of the chemical;
 - iii. Safety Data Sheet (SDS) and Chemical Abstracts Service (CAS) Registry number for each chemical;
 - iv. The frequency (e.g., hourly, daily), duration (e.g., hours, days), quantity (e.g., maximum and average), and method of application for the chemical; and
 - v. The vendor's reported aquatic toxicity (NOAEL and/or LC50 in percent for aquatic organism(s)), when available.
 - f. A description of the training to be provided for employees to assure they

understand the goals, objectives, and procedures of the BMP plan, the requirements of the NPDES permit, and their individual responsibilities for complying with the goals and objectives of the BMP plan and the NPDES permit.

- g. Minimum documentation requirements are as follows:
 - Records of operational and preventive maintenance activities, equipment inspections, procedure audits, and personnel training;
 - Records of the collection and analysis of samples, including, but not limited to, sample location, any calculations done at the time of sampling, any sampling or analytical methods used for samples analyzed on site, and sample results;
 - iii. Any records of the collection and analysis of samples, the evaluation of design standards and operational changes, the selection, design, installation, and implementation of control measures, and/or evaluations, identifications, examinations and/or explanations documented in support of the residuals management BMP and/or environmental monitoring program requirement, below; and
 - iv. All documentation of BMP plan activities shall be kept at the facility for at least three years and provided to EPA upon request.
- 5. All areas identified in the SWPPP shall be inspected, at least on a quarterly basis. Inspections shall begin in the first quarter beginning after the effective date of the permit. EPA considers quarters as follows: January to March; April to June; July to September; and October to December.
- 6. The permittee shall amend and update the SWPPP within 14 days for any changes at the facility affecting the SWPPP. Changes which may affect the SWPPP include, but are not limited to, the following activities: a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States; a release of a reportable quantity of pollutants as described in 40 CFR §302; or a determination by the permittee or EPA that the SWPPP appears to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges from the facility. Any amended or new versions of the SWPPP shall be re-certified by the permittee. Such re-certifications also shall be signed in accordance with the requirements identified in 40 CFR §122.22.
- 7. The permittee shall certify at least annually that the previous year's inspections and maintenance activities were conducted, results were recorded, records were maintained, and that the facility is in compliance with the SWPPP. If the facility is not in compliance with any aspect of the SWPPP, the annual certification shall state the non-compliance and the remedies which are being undertaken. Such annual

certifications also shall be signed in accordance with the requirements identified in 40 CFR §122.22. The permittee shall keep a copy of the current SWPPP and all SWPPP certifications (the initial certification, recertifications, and annual certifications) signed during the effective period of this permit at the facility and shall make it available for inspection by EPA.

Section E. Considerations Under Federal Law [40 CFR §122.49]

1. Endangered Species

Per the requirements under Section 7 of the Endangered Species Act (50 C.F.R. Part 402; 16 U.S.C. § 1536(c)) and concurrent with making the permit available for public notice and comment, EPA submitted a Biological Evaluation and Finding of not likely to adversely affect listed species or critical habitat to the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries). EPA received a Biological Opinion from the National Marine Fisheries Service (aka NOAA Fisheries) on November 14, 2023 which completed consultation. No additional permit requirements were stipulated by NOAA Fisheries. EPA received a response from the U.S. Fish and Wildlife Service on January 9, 2024 and no further permit requirements are needed.

2. National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 and implementing regulations (36 C.F.R. Part 800) require federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation, or designee, the opportunity to comment on such undertakings. See Section 106, 54 U.S.C. § 306108. EPA notified the District of Columbia State Historic Preservation Office (DC SHPO) that it is proposing to reissue NPDES permit no. DC0000345 and that EPA has determined that this permit does not have the potential to affect historic properties. See 36 C.F.R § 800.3(1).

Section F. Clean Water Act Section 401(a) State Certification Conditions (40 C.F.R. § 121.10)

- 1. The discharges shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (D.C. Official Code §§ 8-103.02, 8-103.05, 8-103.06, and 8-103.15 et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges solely or in a combination with other discharges.
- 2. The discharges shall comply with the District of Columbia Water Quality Standards in Chapter 11 of Title 21 of District of Columbia Municipal Regulations (DCMR) implemented to attain and maintain designated uses of the District of Columbia waters, and with the water quality monitoring regulations in 21 DCMR Chapter 19 to ensure that the District of Columbia's water quality standards are maintained.

3. To comply with D.C. Official Code § 8-103.15, the permittee shall make available all reporting and notification requirements associated with these discharges that are applicable under NPDES Permit Number DC0000345 and 40 CFR § 122.41 to the Chief, Illicit Discharge and NPDES Branch, Inspection and Enforcement Division, Department of Energy and Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 805-1355.

Section G. Definitions and Abbreviations

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations means all, State, interstate, and Federal standards and limitations to which a "discharge", a "sewage sludge use or disposal practice", or a related activity is subject to, including "effluent limitations", water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices", pretreatment standards, and "standards for sewage sludge use and disposal" under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions, or modifications to the forms; or forms approved by EPA for use in "authorized States", including any approved modifications or revisions.

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For total and/or fecal coliforms and *Escherichia coli*, the average shall be the geometric mean.

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.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgment (BPJ) means a case-by-case determination of Best Practicable Treatment (BPT), Best Available Treatment (BAT), or other appropriate technology-based standard based on an evaluation of the available technology to achieve a particular pollutant reduction and other factors set forth in 40 C.F.R. §125.3 (d).

Composite Sample means a sample consisting of a minimum of eight grab samples of equal volume collected at equal intervals during a 24-hour period (or lesser period as specified in the section on

Monitoring and Reporting) and combined proportional to flow, or a sample consisting of the same number of grab samples, or greater, collected proportionally to flow over that same time period.

Construction activities – the following definitions apply to construction activities:

- (d) *Commencement of construction* is the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (e) Dedicated portable asphalt plant is a portable asphalt plant located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 C.F.R. Part 443.
- (f) Dedicated portable concrete plant is a portable concrete plant located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.
- (g) Final stabilization means that all soil disturbing activities at the site have been complete, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (h) *Runoff coefficient* means the fraction of total rainfall that will appear at the conveyance as runoff.

Contiguous zone means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Continuous discharge means a "discharge" which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or similar activities.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117; 33 USC §§1251 et seq.

Daily Discharge means the discharge of a pollutant measured during the calendar day or any other 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 measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Director normally means the person authorized to sign NPDES permits by EPA or the State or an authorized representative. Conversely, it also could mean the Regional Administrator or the State Director as the context requires.

Discharge Monitoring Report Form (DMR) means the EPA standard national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by

permittees. DMRs must be used by "authorized States" as well as by EPA. EPA will supply DMRs to any authorized State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Discharge of a pollutant means:

- (a) Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source", or
- (b) Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation (See "Point Source" definition).

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works.

This term does not include an addition of pollutants by any "indirect discharger."

Effluent limitation means any restriction imposed by the Regional Administrator on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States", the waters of the "contiguous zone", or the ocean.

Effluent limitation guidelines means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise "effluent limitations".

EPA means the United States Environmental Protection Agency.

Grab Sample – An individual sample collected in a period of less than 15 minutes.

Hazardous Substance means any substance designated under 40 C.F.R. Part 116 pursuant to Section 311 of the CWA.

Maximum daily discharge limitation means the highest allowable "daily discharge" concentration that occurs only during a normal day (24-hour duration).

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under Section 208 of the CWA.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and

enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the CWA. The term includes an "authorized program".

Owner or operator means the owner or operator of any "facility or activity" subject to regulation under the NPDES programs.

Pass through means a "discharge" which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an "authorized" State.

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (see 40 C.F.R. §122.2).

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- (a) Sewage from vessels; or
- (b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by the authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Regional Administrator means the Regional Administrator, EPA, Region 3, Philadelphia, Pennsylvania.

Significant spills include, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 C.F.R. §110.10 and §117.21) or Section

102 of CERCLA (see 40 C.F.R. § 302.4).

State is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

Stormwater means storm water runoff, snow melt runoff, and surface runoff and drainage.

Stormwater discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. (See 40 C.F.R. § 122.26 (b) (14) for specifics of this definition).

Time-weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

Toxic pollutants mean any pollutant listed as toxic under Section 307 (a)(1) or, in the case of "sludge use or disposal practices" any pollutant identified in regulations implementing Section 405(d) of the CWA.

Runoff is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off the land surface.

Abbreviations:

AML average monthly limit

BTA best technology available

C.F.R. code of federal regulations

CFS cubic feet per second

CV coefficient of variation

CWIS cooling water intake structure

DO dissolved oxygen

kg/day kilograms per day

lbs/day pounds per day

MDL maximum daily limit

mg/L or mg/l milligram(s) per liter

ml/L or ml/l milliliters per liter

GD gallons per day

N/A not applicable

pH a measure of hydrogen ion concentration. A measure of acidity or alkalinity of a liquid

or material

RP reasonable potential

RPA reasonable potential analysis

°C temperature in degrees Centigrade

°F temperature in degrees Fahrenheit

TBEL technology-based effluent limit

TSD technical support document for water-quality based toxics control

TSS total suspended solids

μg/L or μg/l microgram(s) per liter

WLA wasteload allocation

WQBEL water-quality based effluent limit

ZID zone of initial dilution