

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

NPDES PERMIT NO. CA0004009

In compliance with the provisions of the Clean Water Act (CWA) (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

Discharger Name	Picayune Rancheria of the Chukchansi Indians
Discharger Address	711 Lucky Lane, Coarsegold, CA 93614
Facility Name	Chukchansi Gold Resort and Casino Wastewater Treatment Plant
Facility Location Address	700 Lucky Lane, Coarsegold, CA 93614
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Wastewater treatment plant effluent	37° 12' 49" N	119° 41' 42" W	Unnamed tributary to Coarsegold Creek

This permit was issued on:	October 5, 2020
This permit shall become effective on:	November 1, 2020
Permit reapplication due no later than:	May 1, 2025
This permit shall expire at midnight on:	October 31, 2025

In accordance with 40 CFR Section 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.

Signed this 5th day of October, 2020, for the Regional Administrator.

/s/
Tomás Torres, Director
Water Division

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Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

A. Effluent Limits and Monitoring Requirements

1. Effluent Limits – Outfall Number 001
The Picayune Rancheria of the Chukchansi Indians (the “permittee”) is authorized to discharge advanced treated wastewater from the Chukchansi Gold Resort and Casino Wastewater Treatment Plant (the “facility”) in compliance with the effluent limits and monitoring requirements specified in Table 1. The discharger shall monitor both the effluent and influent, as described in Table 1, to evaluate compliance.
2. The discharge of pollutants at any point other than outfall number 001 to the unnamed tributary (upstream of Coarsegold Creek) specifically authorized in this permit is prohibited.

Table 1. Effluent Limits and Monitoring Requirements – Outfall Number 001

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements	
	Concentration and Loading					
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Flow rate	(1)	(1)	(1)	MGD	Continuous	Meter
pH	Within 6.5 and 8.5 at all times.			S.U.	Once/Day	Grab ⁽⁴⁾
Biochemical oxygen demand (5-day)	10	15	--	mg/L	Once/Week	Composite ⁽²⁾⁽³⁾
	29	44	--	lbs/day		
	The average monthly percent removal shall not be less than 85 percent.			%		
Total suspended solids	10	15	--	mg/L	Once/Week	Composite ⁽²⁾⁽³⁾
	29	44	--	lbs/day		
	The average monthly percent removal shall not be less than 85 percent.			%		
Copper, total recoverable ⁽⁵⁾	14.6	--	29.4	µg/L	Once/Mos.	Composite ⁽²⁾
	0.043	--	0.086	lbs/day		
Zinc, total recoverable ⁽⁵⁾	116	--	233	µg/L	Once/Mos.	Composite ⁽²⁾
	0.34	--	0.68	lbs/day		
Priority pollutant scan ⁽⁶⁾	(1)	--	(1)	µg/L	Once/permit term	Grab ⁽⁷⁾
Ammonia, total (as N)	(1)	--	(1)	mg/L	Once/Mos.	Composite ⁽²⁾⁽⁴⁾
Ammonia Impact Ratio	1.0	--	1.0	Ratio	Once/Mos.	Calculate ⁽⁸⁾
Hardness, total (as CaCO ₃)	(1)	--	(1)	mg/L	Once/Year	Grab
Nitrate plus Nitrite, total (as N)	10	17	--	mg/L	Once/Week ⁽¹⁵⁾	Composite ⁽²⁾
Oil and grease,	(1)	(1)	(1)	mg/L	Once/Week ⁽¹⁵⁾	Grab

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements	
	Concentration and Loading					
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
total recoverable						
Phosphorus, total (as P)	(1)	(1)	(1)	mg/L	Once/Week ⁽¹⁵⁾	Composite ⁽²⁾
Temperature	(1)	--	(1)	°C	Once/Day	Grab ⁽⁴⁾
Total coliform bacteria	23 ⁽⁹⁾	2.2 ⁽¹⁰⁾	240 ⁽¹¹⁾	MPN/100 mL	Once/Week ⁽¹⁵⁾	Grab
Total dissolved solids	(1)	--	(1)	mg/L	Once/Mos.	Grab
Total residual chlorine	0.01	--	0.02	mg/L	Once/Week ⁽¹²⁾ (15)	Grab
Turbidity	--	--	(13)	NTU	Once/Day	Grab
Chronic Toxicity <i>C. dubia</i> , Method 1002.0 WF13B	--	--	(1)	Pass (0) or Fail (1), TST ⁽¹⁴⁾	Once/permit term	Composite ⁽²⁾
Chronic Toxicity <i>C. dubia</i> , Method 1002.0 WF13B	--	--	(1)	% Effect, TST ⁽¹⁴⁾	Once/permit term	Composite ⁽²⁾

- (1) No effluent limits are set at this time but monitoring and reporting is required.
- (2) Composites shall be taken over the course of a single discharge. If the discharge is less than 24 hours, composite samples shall be taken at regular intervals for the duration of the discharge.
- (3) Both the influent and the effluent shall be monitored for Biochemical Oxygen Demand (5-day) and Suspended Solids by concentration. The arithmetic mean of effluent samples collected over a monthly period shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected over the same time period. (i.e., Must demonstrate 85% removal of BOD and TSS). Mass limitations based on design flow 0.35 MGD.
- (4) *pH and temperature shall be recorded at the time of ammonia sample collection*
- (5) The Cu and Zn limits are hardness-dependent and based on a hardness of 220 mg/L, CaCO₃. Mass limitations based on design flow 0.35 MGD.
- (6) See Attachment F for a list of priority pollutants. For the most current listing of all priority toxic pollutants, see 40 CFR Part 423, Appendix A. Priority pollutant scan should be conducted concurrently with whole effluent toxicity (WET) testing.
- (7) Grab samples shall be collected for priority pollutant compounds as identified in Attachment F.
- (8) The Ammonia Impact Ratio (AIR) is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standard from EPA's 1999 Ambient Water Quality Criteria. See Attachment D for a sample log to help calculate and record the AIR values. The AIR is the ammonia effluent limit and must be reported in the DMRs in addition to the ammonia, pH, and temperature values.

- (9) Not to be exceeded more than once in any 30-day period.
- (10) Applied as a 7-day median effluent limitation.
- (11) Applied as an instantaneous maximum effluent limitation.
- (12) When chlorine is used to disinfect the effluent, total residual chlorine shall be monitored at daily intervals to verify adequate removal of chlorine prior to discharge to the receiving water or re-use.
- (13) The daily average effluent turbidity shall not exceed 2 NTU; the effluent turbidity shall not exceed 5 NTU more than 5 percent of the time within a 24-hour period; and at no time shall the effluent turbidity exceed 10 NTU.
- (14) The permittee shall report Pass "0" or Fail "1" for the coded parameter. For each toxicity test conducted during the reporting period for the month, Pass "0" constitutes rejection (i.e., statistical fail) and Fail "1" constitutes non-rejection (i.e., statistical pass) of the Test of Significant Toxicity (TST) null hypothesis (H_0) at the required IWC: IWC mean response (100% effluent) $\leq 0.75 \times$ Control mean response. This is determined by following the instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (TST)(EPA 833-R-10-003, 2010), Appendix A. For each toxicity test reported as Pass "0" or Fail "1", the permittee shall report the associated value for "Percent (%) Effect" for the coded parameter, calculated as: % Effect = [(Control mean response – IWC mean response) \div Control mean response] \times 100.
- (15) After 12 months from the effective date of this permit, if the permittee has performed all the monitoring in accordance with the conditions of this permit and the results indicate concentrations in the effluent do not exceed effluent limits, then Permittee may request to reduce monitoring frequency from weekly to monthly, contingent on approval by USEPA.

B. Reclaimed Water Limits

The following are the majority of the criteria contained in Title 22, California Code of Regulations for use of reclaimed water used on the Rancheria property. Therefore, the following requirements apply:

1. The permittee shall minimize the discharge of advanced treated wastewater to surface waters at all times by maximizing recycling and re-use of treated wastewater.
2. Reclaimed water shall be monitored once per week for turbidity and once per week for total coliform.
3. All reclamation equipment, pumps, pipes, valves, and outlets shall be appropriately marked to differentiate them from potable facilities. All reclamation distribution system piping shall be purple or adequately wrapped with purple tape.
4. All use areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording: "Recycled water - Do Not Drink" and the international symbol for non-potable water.
5. No physical connection shall be made or allowed to exist between any system and any separate system conveying potable water.
6. Direct or windblown spray of reclaimed water shall be confined to the designated land application area and shall be prevented from entering outdoor eating areas, dwellings,

drinking water facilities, food handling facilities, and other locations where the public may be present. In addition, direct or windblown spray of reclaimed water shall not enter surface watercourses.

7. Application of wastewater to land shall not be applied to irrigation areas that exceed vegetative demand or field capacity, nor be applied to irrigation areas during periods when uncontrolled runoff may occur.

8. Areas irrigated with reclaimed water shall be managed to prevent ponding and conditions conducive to the proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard. Irrigation water shall infiltrate completely within a 24-hour period.

9. A 15-foot buffer zone shall be maintained between any watercourse and the wetted area produced during land application of effluent.

10. A 50-foot buffer zone shall be maintained between any spring, domestic well or irrigation well and the wetted area produced during land application of effluent.

C. Receiving Water Limits

There shall be no discharge of pollutants that cause the following in the receiving water.

1. The fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, to exceed a geometric mean most probable number (MPN) of 200 per 100 mL, nor more than 10 percent of the total number of fecal coliform samples taken during any 30-day period to exceed 400 MPN/100 mL.
2. Water to contain biostimulatory substances that promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.
3. Chemical constituents to be present in concentrations that adversely affect beneficial uses.
4. Discoloration that causes nuisance or adversely affects beneficial uses.
5. The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of saturation in the main water mass; the 95th percentile dissolved oxygen concentration to fall below 75 percent of saturation; nor the dissolved oxygen concentration to be reduced below 7.0 mg/L at any time.
6. Floating material to be present in amounts that cause nuisance or adversely affect beneficial uses.
7. Oils, greases, waxes, or other materials to be present in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

8. The pH to be depressed below 6.5 nor raised above 8.5.
9. Pesticides:
 - a. Pesticides to be present, individually or in combination, in concentrations that adversely affect beneficial uses;
 - b. Pesticides to be present in bottom sediments or aquatic life in concentrations that adversely affect beneficial uses;
10. Radionuclides to be present in concentrations that are harmful to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
11. The suspended sediment load and suspended sediment discharge rate of surface waters to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
12. Substances to be present in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.
13. Suspended material to be present in concentrations that cause nuisance or adversely affect beneficial uses.
14. Taste- or odor-producing substances to be present in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.
15. The natural temperature to be increased by more than 5°F, unless it can be demonstrated to the satisfaction of EPA that such alteration of temperature does not adversely affect beneficial uses.
16. Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.
17. Turbidity:
 - a. Shall not exceed 2 Nephelometric Turbidity Units (NTUs) where natural turbidity is less than 1 NTU;
 - b. Shall not increase more than 1 NTU where natural turbidity is between 1 and 5 NTUs;
 - c. Shall not increase more than 20 percent where natural turbidity is between 5 and 50 NTUs;
 - d. Shall not increase more than 10 NTUs where natural turbidity is between 50 and 100 NTUs; and

- e. Shall not increase more than 10 percent where natural turbidity is greater than 100 NTUs.

D. Sampling

1. Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The permittee shall identify the effluent sampling location used for each discharge.
2. Samples shall be taken at the following locations:
 - a. Influent samples shall be taken after the last addition to the collection system and prior to in-plant return flow and the first treatment process, where representative samples can be obtained.
 - b. Effluent samples shall be taken after in-plant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
3. For intermittent discharges, the permittee shall monitor on the first day of discharge. The permittee is not required to monitor in excess of the minimum frequency required in Table 1. If there is no discharge, the permittee is not required to monitor either influent or effluent.

E. General Monitoring and Reporting

1. All monitoring shall be conducted in accordance with 40 CFR Part 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR Part 136 test methods with method detection limits (MDLs) and minimum levels (MLs) that are lower than the effluent limits in this permit. For parameters without effluent limits, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure "total recoverable metal," except as provided under 40 CFR Section 122.45(c).
2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
 - a. The test method number or title and published MDL or ML;
 - b. The preparation procedure used by the laboratory;

- c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR Part 136;
- d. The standard deviation (S) from the laboratory's MDL study;
- e. The number of replicate analyses (n) used to compute the laboratory's MDL; and
- f. The laboratory's lowest calibration standard.

As part of each DMR submittal, the permittee shall notify EPA of any changes to the laboratory's test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory's test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

3. The permittee shall develop a Quality Assurance (QA) Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed (or updated) within 90 days of permit issuance. At a minimum, the QA Manual shall include the following:
 - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
 - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control (QC) samples; preservatives and holding times for the samples (see 40 CFR Section 136.3); and chain of custody procedures;
 - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and
 - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's

- premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.
5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:
 - a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:
 - (1) The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
 - (2) *NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
 - (3) *NODI (B)*, if the maximum value of all analytical results is less than the laboratory's MDL.
 - b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:
 - (1) The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
 - (2) *NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
 - (3) *NODI (B)*, if the maximum value of all analytical results is less than the laboratory's MDL.
 - c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report the *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.
 6. In addition to information requirements specified under 40 CFR Section 122.41(j)(3), records of monitoring information shall include: the laboratory that performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR Part 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
 7. The permittee shall electronically submit Discharge Monitoring Reports (DMRs) and Biosolids/Sewage Sludge Reports using NetDMR (<http://www.epa.gov/netdmr>) and NeT (<http://www.epa.gov/compliance/national-pollutant-discharge-elimination->

[system-npdes-electronic-reporting-tool-net-fact](#)), respectively. Alternatively, the permittee may electronically submit biosolids reports directly to EPA Region 9 via this email address: R9NPDES@epa.gov.

8. DMRs shall be submitted by the 28th day of the month following the previous reporting period. For example, under quarterly submission, the three DMR forms for January, February, and March are due on April 28th. Annual and quarterly monitoring must be conducted starting in the first complete quarter or calendar year following permit issuance. Reporting for annual monitoring is due on January 28th of the following year. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required.
9. The permittee shall submit an electronic or paper Discharge Monitoring Report to the Madera County Environmental Health Division. Paper DMR forms shall be mailed to:

Madera County Environmental Health Division
200 West 4th Street
Madera, CA, 93637
(559) 675-7823

F. Receiving Water Monitoring

If the permittee discharges effluent water that leaves Tribal land and flows into a surface water, then the permittee must conduct monitoring of that surface water to characterize receiving (ambient) water conditions. The testing location shall be at the furthest point of surface water present on Tribal land when there is effluent discharge. This point shall be at the Tribal boundary if surface water flows off Tribal land, or at the point on Tribal land where there is no longer flow downstream of the discharge point. The substances monitored and the monitoring frequency shall be the same as in Table 1, above. If the ambient monitoring shows an increase in the levels of any substance compared to levels found at the discharge point, an investigation into the probable cause for this increase shall be conducted.

After six months of such monitoring, if there is no indication that the quality of water that leaves Tribal land is poorer than that at the discharge point, this monitoring may be discontinued upon written application to EPA and EPA approval.

If there is a sewage spill or other upset that is likely to result in release of effluent with concentrations higher than the permitted levels, the permittee shall conduct ambient water monitoring within 24 hours of such event and shall report the results immediately to EPA, as outlined in the permit.

Part II. SPECIAL CONDITIONS

A. *Permit Reopener(s)*

In accordance with 40 CFR Parts 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

B. *Twenty-four Hour Reporting of Noncompliance*

- ii. The permittee shall report any noncompliance that may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA and Madera County Environmental Health Division staff person within 24 hours from the time the permittee becomes aware of the noncompliance. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance. The permittee shall notify EPA and the Madera County Resource Management Agency at the following telephone numbers:

U.S. Environmental Protection Agency
Wastewater Enforcement Section (ENF-3-1)
(415) 947-4179

Madera County
Environmental Health Division
(559) 675-7823

The permittee shall follow up with a written submission within 5 days of the time the permittee becomes aware of the noncompliance. 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.

- iii. The following shall be included as information that must be reported within 24 hours under this paragraph.
 1. Any unanticipated bypass that exceeds any effluent limit in the permit (see 40 CFR Section 122.44(g)).
 2. Any upset that exceeds any effluent limit in the permit.

3. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR Section 122.44(g)).
- iv. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

C. Whole Effluent Toxicity (WET) Requirements

1. The chronic toxicity IWC required for the authorized discharge point is expressed as 100 percent (%) effluent (i.e., $1/S \times 100$, also 1 part effluent to S-1 parts dilutant). The toxicity laboratory making the IWC for chronic toxicity testing shall use 1 part effluent to S-1 parts dilutant for a total of S parts.

Table 2. Facility-specific Chronic Toxicity IWC.

Authorized discharge point number	Required chronic toxicity instream waste concentration (IWC) in % effluent	S	1 part effluent to S-1 parts dilutant
001	100%	100	1 to 99

2. Sampling and Monitoring Frequency

Toxicity test samples shall be collected for the authorized discharge point at the designated NPDES sampling station for the effluent (i.e., downstream from the last treatment process and any in-plant return flows where a representative effluent sample can be obtained). The total sample volume shall be determined both by the WET method used (including, for non-continuous discharges, the additional sample volume necessary to complete the toxicity test) and the additional sample volume necessary for Toxicity Identification Evaluation (TIE) studies.

Using the test species, WET method, and monitoring frequency specified in Part I, Table 1, the permittee shall conduct toxicity testing on 24-hour composite effluent samples. A split of each effluent sample for toxicity testing shall be analyzed for all other monitored parameters (conventional, non-conventional, and priority toxic pollutants), at the minimum frequency of analysis specified during the reporting period for the month by the effluent monitoring program. All toxicity tests for the month shall be initiated during that calendar month.

3. Chronic Test Species and WET Methods

For freshwater discharges to freshwater surface waters, test species and short-term WET methods for estimating the chronic toxicity of NPDES effluents are found in the

fourth edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002; Table IA, 40 CFR § 136). The permittee shall conduct toxicity tests with the parameter for chronic toxicity required in Part I, Table 1 (e.g., static renewal test with daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0)).

Conditional Species Sensitivity Screening Report. The permitting authority may require by letter—signed by the NPDES Permits Section Manager—the permittee to conduct and submit the results of species sensitivity screening for the discharge at the chronic toxicity IWC. Screening is defined as one round of concurrent chronic toxicity tests conducted each month, repeated over no more than three consecutive months. The total number of monthly rounds is specified by the permitting authority (i.e., 1 to 3). A round shall consist of one test using a fish, one test using an invertebrate, and one test using an alga and the applicable WET methods listed under this condition. The permittee shall conduct the screening and a final report is due to EPA no more than 12 months after the permittee is notified by letter of the requirement to conduct species sensitivity screening (e.g., if letter date is during January 2020, then the final report is due January 31, 2021). The permittee shall report Pass (0) or Fail (1) and the associated value for PE for each chronic toxicity test conducted for species sensitivity screening. For the TST statistical approach used by this permit, the most sensitive test species is the species which demonstrates the most number of Fail (1) results for routine monitoring tests and species sensitivity screening tests. If no test results are Fail (1), then the most sensitive test species is the species which demonstrates the highest $PE \geq 10$ at the IWC for routine monitoring tests and species sensitivity screening tests.

4. Quality Assurance

- a. Quality assurance measures, instructions, and other recommendations and requirements are found in the WET methods manual(s) previously referenced. Additional requirements are specified below.
- b. WET sample hold time. The WET methods manual hold time for NPDES samples used for toxicity testing begins when the 24-hour composite sampling period is completed, or the last grab sample in a series of grab samples is taken. It ends at the first time of sample use (initiation of toxicity test). 40 CFR § 136.3(e) states that the WET method's 36-hour hold time cannot be exceeded unless a variance of up to 72-hours is authorized by EPA.
- c. The discharge is subject to a determination of rejection or non-rejection of the TST null hypothesis (H_0) from a chronic toxicity test at the required IWC. For statistical flowchart and procedures using the TST statistical approach see Appendix B of *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document* (EPA 833-R-10-004, 2010; TST Technical Document). For the TST statistical approach, the associated value for “Percent (%) Effect” (also called “% Effect” or “PE”) at the required IWC is

calculated as: % Effect = $[(\text{Control mean response} - \text{IWC mean response}) \div \text{Control mean response}] \times 100$.

- d. Controls. Effluent dilution water and control water should be prepared and used as specified in the applicable WET methods manual. If the dilution water is different from test organism culture water, then a second control using culture water shall also be used. If the effluent sample at the IWC is adjusted using artificial sea salts or a saltwater brine, a “salting up/brine” control shall be prepared and used as specified in the applicable WET methods manual.
 - e. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
 - f. If the effluent toxicity test during the reporting period for the month does not meet the Test Acceptability Criteria (TAC) described in the WET method, then the permittee shall resample and retest within 14 days. The results of this retest shall only replace that effluent toxicity test that did not meet TAC during the reporting period for the month.
 - g. In addition to Total Alkalinity, Conductivity, and Total Hardness, when preparing effluent samples for toxicity testing using *Ceriodaphnia dubia* reproduction Method 1002.0, the Major Ions (Na^+ , K^+ , Ca^{2+} , Mg^{2+} , Cl^- , SO_4^{2-} , and $\text{HCO}_3^-/\text{CO}_3^{2-}$) shall be well characterized (and available for DMR reporting when requested by the permitting authority) for the effluent IWC, dilution water, and culture water used for toxicity testing. See Mount DR, Erickson RJ, Forsman BB, and Norberg-King TJ. 2019. Chronic toxicity of major ion salts and their mixtures to *Ceriodaphnia dubia*. *Environ Toxicol Chem* 38:769-783.
 - h. Removed Toxicants (chlorine, ammonia). If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority. Ammonia shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.
6. Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan

Within 90 days of the permit effective date, the permittee shall prepare and submit to the permitting authority a copy of its Initial Investigation TRE Work Plan (1-2 pages). This plan shall include steps the permittee intends to follow if a Median Monthly Effluent result for chronic toxicity is reported as Fail (1) for the reporting month (see Part I, Table 1), and should include the following, at minimum:

- a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.

- b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility.
 - c. If a TRE and Toxicity Identification Evaluation (TIE) are necessary, an indication of who would conduct these studies (i.e., an in-house expert or outside contractor).
7. Chronic Toxicity Median Monthly Effluent Result of Fail (1) Proceeding to TRE

If the chronic toxicity Median Monthly Effluent result is reported as Fail (1) for the calendar month (see Part I, Table 1), then—regardless of the minimum monitoring frequency in Part I, Table 1—the permittee shall conduct effluent monitoring using no more than three chronic toxicity tests during the next consecutive calendar month and implement its Initial Investigation TRE Work Plan.

If the chronic toxicity Median Monthly Effluent result during this next consecutive calendar month is Pass (0), then the permittee shall return to the minimum monitoring frequency in Part I, Table 1. However, if this result is Fail (1), then the permittee shall immediately initiate a TRE using—according to the type of treatment facility—EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/833/B-99/002, 1999), or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989)—and return to the monitoring frequency in Part I, Table 1.

In conjunction with TRE initiation, the permittee shall immediately develop and implement a Detailed TRE Work Plan which shall include the following: further actions undertaken by the permittee to investigate, identify, and correct the causes of toxicity; actions the permittee will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for these actions. This work plan shall be submitted to the permitting authority.

The permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).

During a TRE, the chronic toxicity effluent monitoring results conducted for the TRE/TIE that meet the WET method's Test Acceptability Criteria at the IWC shall be reported on the DMR following the Endnotes in Part I, Table 1.

8. Reporting of Toxicity Monitoring Results on DMR

- a. Report no effluent monitoring result for Chronic Toxicity. If no toxicity test monitoring for the calendar month is required and toxicity monitoring is not conducted, then the permittee shall report "NODI(9)" (i.e., Conditional Monitoring – Not Required for This Period) on the DMR form.

Report Median Monthly Effluent result for Chronic Toxicity. See Part I, Table 1.

Report Maximum Daily Effluent result(s) for Chronic Toxicity. See Part I, Table 1.

- b. The permittee shall submit the full toxicity laboratory report for all toxicity testing as an attachment to the DMR for the month in which the toxicity tests are initiated. The laboratory report shall contain: all toxicity test results (raw data and statistical analyses) for each effluent and related reference toxicant tested; chain-of-custody; the dates of sample collection and initiation of each toxicity test; control performance; all results for other effluent parameters monitored concurrently with the effluent toxicity tests; and schedule and progress reports on TRE/TIE studies.

Quality-control reporting for toxicity laboratory control group. To assist in reviewing within-test variability, the toxicity laboratory report must include, for each test species/WET method: quality-control charts for the mean, standard deviation and coefficient of variation of the control group. Each toxicity laboratory report attached to the DMR shall include both a graphical control chart (with a long-term average printed below the chart) and a table of control-group data for the WET method/test species. These data shall be listed in the table: sample date, type of dilution water, number of replicates (n), control mean (cM), control standard deviation (cS), and control coefficient of variation (cK). The quality-control chart and the table shall report data for the last 50 toxicity tests conducted by the laboratory. If there are more than 30 tests with a different number of replicates (e.g., 20 tests of n=10 and 30 tests of n=20), then use separate control charts and tables. The table shall also report the following summary statistics separately for cM, cS, and cK: number of observations, average, standard deviation, and percentiles (minimum, 10th, 25th, 50th, 60th, 65th, 70th, 75th, 80th, 90th, and maximum). This information is required for review of toxicity test results and the toxicity laboratory's performance of the test species/WET method by the permittee and permitting authority. Also, see test species/WET method-specific percentiles for the mean, coefficient of variation, and standard deviation of control-group data in section 3 tables of the TST Technical Document.

- c. Notification reporting. The permittee shall notify the permitting authority in writing within 14 days of a Median Monthly Effluent result of Fail (1) for chronic toxicity. The permittee shall notify the permitting authority in writing within 14 days of a Maximum Daily Effluent result of Fail (1) and ≥ 50 PE. The permittee shall notify the permitting authority in writing within 14 days of two consecutive Median Monthly Effluent results of Fail (1) for chronic toxicity. Such notification

shall describe actions the permittee has taken (or will take) to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

9. Permit Reopener for Toxicity

In accordance with 40 CFR §§ 122 and 124, this permit may be modified to include effluent limits or permit conditions to address toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.

D. Best Management Practices (BMPs) and Pollution Prevention

1. The permittee shall implement BMPs to safeguard against erosion from the discharge and prevent adverse impacts to receiving waters.
2. The facilities or systems shall be operated by an operator that has training and/or certification equivalent to the requirements of the State of California for operating and maintaining such facilities or systems.

E. Biosolids

“Biosolids” means non-hazardous sewage sludge, as defined in 40 CFR Section 503.9. Sewage sludge that is hazardous, as defined in 40 CFR Part 261, must be disposed of in accordance with the Resource Conservation and Recovery Act.

1. General Requirements

- a. All biosolids generated by the permittee shall be used or disposed of in compliance with the applicable portions of:
 - (1) 40 CFR Part 503 – for biosolids that are land applied, placed in a surface disposal site (dedicated land disposal site, monofill, or sludge-only parcel at a municipal landfill), or incinerated;
 - (2) 40 CFR Part 258 – for biosolids disposed of in a municipal solid waste landfill (with other material);
 - (3) 40 CFR Part 257 – for all biosolids use and disposal practices not covered under 40 CFR Parts 258 or 503.

40 CFR Part 503, Subpart B (land application) sets requirements for biosolids that are applied for the purpose of enhancing plant growth or for land reclamation. 40 CFR Part 503, Subpart C (surface disposal) sets requirements for biosolids that are placed on the land for the purpose of disposal.

The permittee is responsible for assuring that all biosolids produced at its

facility are used or disposed of in accordance with these rules, whether the permittee uses or disposes of the biosolids, itself, or transfers the biosolids to another party for further treatment, use, or disposal. The permittee is responsible for informing subsequent preparers, applicators, and disposers of the requirements that they must meet under these rules.

- b. Duty to mitigate: The permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.
- c. No biosolids shall be allowed to enter wetlands or other waters of the United States.
- d. Biosolids treatment, storage, use, or disposal shall not contaminate groundwater.
- e. Biosolids treatment, storage, use, or disposal shall not create a nuisance such as objectionable odors or flies.
- f. The permittee shall assure that haulers transporting biosolids off site for treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. All haulers must have spill clean-up procedures. Trucks hauling biosolids that are not classified as Class A, as defined at 40 CFR Section 503.32(a), shall be cleaned as necessary after loading and after unloading so as to have no biosolids on the exterior of the truck body or wheels. Trucks hauling biosolids that are not Class A shall be tarped. Trucks hauling biosolids that are not Class A may not be used for hauling food or feed crops after unloading the biosolids, unless the permittee submits, for EPA approval, a hauling description of how trucks will be thoroughly cleaned prior to adding food or feed.
- g. If biosolids are stored over two years from the time they are generated, then the permittee must ensure compliance with all surface disposal requirements under 40 CFR Part 503, Subpart C, or must submit a written notification to EPA and the Madera County Environmental Health Division with the information under 40 CFR Section 503.20(b) demonstrating the need for longer temporary storage. During temporary storage (of any length of time) for biosolids that are not Class A, whether on the facility site or off-site, adequate procedures must be taken to restrict public access and access by domestic animals.
- h. Any biosolids treatment, disposal, or storage site shall have facilities adequate to: divert surface runoff from adjacent areas, protect the site boundaries from erosion, and prevent any conditions that would cause drainage from the materials at the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm event and from the highest tidal stage that may occur.
- i. There shall be adequate screening at the treatment plant headworks and/or at the biosolids treatment units to ensure that all pieces of metal, plastic, glass, and other inert objects with a diameter greater than 3/8" are removed.

2. Inspection and Entry

EPA, Madera County Environmental Health Division, or an authorized representative thereof, upon presentation of credentials, shall be allowed by the permittee, directly or through contractual arrangements with their biosolids management contractors, to:

- a. Enter upon all premises where biosolids produced by the permittee are treated, stored, used, or disposed of, either by the permittee or another party to whom the permittee transfers the biosolids for treatment, storage, use, or disposal;
- b. Have access to and copy any records that must be kept under the conditions of this permit or 40 CFR Part 503, by the permittee or another party to whom the permittee transfers the biosolids for further treatment, storage, use, or disposal; and
- c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in biosolids treatment, storage, use, or disposal by the permittee or another party to whom the permittee transfers the biosolids for treatment, use, or disposal.

3. Monitoring

- a. Biosolids shall be monitored for the following constituents, at the frequency specified in paragraph 3.b: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, organic nitrogen, ammonia-nitrogen, and total solids. This monitoring shall be conducted using the methods in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (EPA publication SW-846), as required in 40 CFR Section 503.8(b)(4). All results must be reported on a 100% dry weight basis. Records of all analyses must state on each page of the laboratory report whether the results are expressed in “100% dry weight” or “as is”.
- b. The constituents in paragraph 3.a shall be monitored at the following frequency, based on the volume of sewage solids generated per year:

Table 3. Biosolids Monitoring Frequencies

Volume Generated (dry metric tons per year)	Monitoring Frequency ⁽¹⁾
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

(1) If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

- c. Class 1 facilities (facilities with pretreatment programs or other facilities designated as Class 1 by the Regional Administrator) and Federal facilities with >5 million gallons per day (MGD) influent flow shall sample biosolids twice per year for pollutants listed under CWA section 307(a), using best practicable detection limits.
4. Pathogen and Vector Control

Prior to land application, the permittee shall demonstrate that biosolids meet Class A or Class B pathogen reduction levels using one of the alternatives listed under 40 CFR Section 503.32.

- a. Prior to disposal in a surface disposal site, the permittee shall demonstrate that the biosolids meet Class B pathogen reduction levels or shall ensure that the site is covered at the end of each operating day. If pathogen reduction is demonstrated using a Process to Significantly/Further Reduce Pathogens, then the permittee shall maintain daily records of the operating parameters used to achieve this reduction.

If pathogen reduction is demonstrated by testing for fecal coliform and/or other pathogens, then samples must be drawn at the frequency described in paragraph 3.b, above. If Class B pathogen reduction levels are demonstrated using fecal coliform, then at least seven grab samples must be drawn during each sampling event and a geometric mean calculated from these seven samples.

The following sample holding times between sample collection and sample analysis shall not be exceeded: fecal coliform – 24 hours when cooled to 4 °C if composted, mesophilically digested, or aerobically digested, 6 hours otherwise; Salmonella sp. - 24 hours when cooled to 4 °C; enteric viruses – 2 weeks when frozen; helminth ova – 1 month when cooled to 4 °C.

- b. For biosolids that are land applied or placed in a surface disposal site, the permittee shall track and keep records of the operational parameters used to achieve the Vector Attraction Reduction requirements in 40 CFR Section 503.33(b).
5. Surface Disposal

If biosolids are placed in a surface disposal site (dedicated land disposal site or monofill), then a qualified groundwater scientist shall develop a groundwater

monitoring program for the site, or shall certify that the placement of biosolids on the site will not contaminate an aquifer.

6. Landfill Disposal

Biosolids placed in a municipal landfill shall be tested by the Paint Filter Liquids Test (Method Number 9095 in SW-846) at the frequency indicated in paragraph 3.b, above, or more often if necessary, to demonstrate that there are no free liquids.

7. Notification and Reporting

a. The permittee, either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements:

- (1) Notification of noncompliance: The permittee shall notify EPA and the Madera County Environmental Health Division of any noncompliance within 24 hours, if the noncompliance may seriously endanger health or the environment. For other instances of noncompliance, the permittee shall notify EPA and the Madera County Environmental Health Division, in writing, within five working days of becoming aware of the circumstances. The permittee shall require their biosolids management contractors to notify EPA and the Madera County Environmental Health Division of any noncompliance within these same timeframes.
- (2) Interstate notification: If biosolids are shipped to another State, Tribal Lands, or Territory, then the permittee shall send a 60-day prior notice of the shipment to permitting authorities in the receiving State, Tribal Lands, or Territory, and EPA Regional Office.
- (3) Land Application: Prior to using any biosolids from this facility (other than composted biosolids) at a new or previously unreported site, the permittee shall notify EPA and the Madera County Environmental Health Division. The notification shall include: a description and topographic map of the proposed site(s), names and addresses of the applier and site owner, and a list of any state or local permits which must be obtained. The plan shall include a description of the crops or vegetation to be grown, proposed loading rates, and determination of agronomic rates.

If any biosolids within a given monitoring period do not meet the pollutant limits for metals under 40 CFR Section 503.13, then the permittee (or its contractor) must pre-notify EPA and determine the cumulative metals loading to date at that site, as required in 40 CFR Section 503.12.

The permittee shall notify the applier of 40 CFR Part 503-requirements that are applicable to the applier, including applier certification that management practices, site restrictions, and vector attraction reduction requirements have

been met. The permittee shall require the applier to certify at the end of 38 months following the application of Class B biosolids, that the harvesting restrictions in effect for up to 38 months have been met.

- (4) Surface Disposal: Prior to disposal at a new or previously unreported site, the permittee shall notify EPA and the Madera County Environmental Health Division. The notice shall include: a description and topographic map of the proposed site, depth to groundwater, whether the site is lined or unlined, site operator, site owner, and any State or local permits. The notice shall describe procedures for ensuring restricted public access and grazing restrictions for three years following site closure. The notice shall include a groundwater monitoring plan, or a description of why groundwater monitoring is not required.
- b. The permittee shall submit an annual biosolids report to the EPA Region 9 Biosolids Coordinator and the Madera County Environmental Health Division by February 19 of each year for the period covering the previous calendar year. This report shall include:
- (1) The amount of biosolids generated that year and the amount of biosolids accumulated from previous years, in dry metric tons.
 - (2) Results of all pollutant monitoring required in the Monitoring section, above, reported on a 100% dry weight basis.
 - (3) Demonstrations and certifications of pathogen reduction methods and vector attraction reduction methods, as required in 40 CFR Sections 503.17 and 503.27.
 - (4) Names, mailing addresses, and street addresses of persons who received biosolids for storage, further treatment, or disposal in a municipal waste landfill, or for other use or disposal methods not covered above, and the tonnages delivered to each.
 - (5) For land application sites, the following information must be submitted by the permittee, unless the permittee requires its biosolids management contractors to report this information directly to the EPA Region 9 Biosolids Coordinator:

The locations of land application sites used that calendar year (with field names and numbers), size of each field applied to, applier, and site owner; the volumes applied to each field (in wet tons and dry metric tons), nitrogen applied, and calculated plant available nitrogen; the crop planted, date of planting, and date of harvesting; for biosolids exceeding 40 CFR Section 503.13 Table 3 pollutant concentrations, the locations of sites where applied and cumulative metals loading at that site to date; certifications of management practices in 40 CFR Section 503.14 and certifications of site restrictions in 40 CFR Section 503.17(b)(6).

- (6) For surface disposal sites: The locations of sites, site operator, site owner, and size of parcel on which disposed; the results of any required groundwater monitoring; certifications of management practices in 40 CFR Section 503.24; and for closed sites, the date of site closure and certifications of management practices for the three years following site closure.

F. Sanitary Sewer Overflows

1. A Sanitary Sewer Overflow (SSO) is an overflow, spill, release, or diversion of wastewater from a sanitary sewer collection system that occurs prior to a treatment plant. Sanitary sewer overflows include a) overflows or releases of wastewater that reach waters of the U.S.; b) overflows or releases of wastewater that do not reach waters of the U.S.; and c) wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other a building lateral. SSOs are generally caused by high volumes of infiltration and inflow (I/I), pipe blockages, pipe breaks, power failure, and insufficient system capacity.
2. All SSOs are prohibited.
3. The permittee shall identify all SSOs. The permittee shall submit with its DMR, the following information for each SSO that occurs during the reporting period covered by the DMR:
 - a. The cause of the SSO;
 - b. Duration and volume (estimate, if unknown);
 - c. Description of the source (e.g., manhole cover, pump station, etc.);
 - d. Type of collection system that overflowed (i.e., combined or separate);
 - e. Location by street address, or any other appropriate method providing a location;
 - f. Date(s) and time(s) of SSO;
 - g. The ultimate destination of the overflow, e.g., surface water body, land use location, via municipal separate storm sewer system to a surface water body (show location on a USGS map or copy thereof); and
 - h. Corrective action taken and steps taken or planned to eliminate reoccurrence of SSOs.

The permittee shall refer to Part II.B (Twenty-four Hour Reporting of Noncompliance) of this permit, which contains information about reporting any noncompliance that may endanger human health or the environment. Part II.B applies to SSOs. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

G. Asset Management Planning

The permittee shall maintain an asset management program to cover the treatment plant and collection system. The permittee shall:

1. Utilize asset management and/or work order management software. The software shall:
 - a. Inventory all critical assets valued over \$5,000 into a single database. Assets may include, but are not limited to, sewer lines, manholes, outfalls, pump stations, force mains, catch basins, and wastewater treatment facility assets. Each entry shall include:
 - (1) Name and identification number.
 - (2) Location (GPS coordinate or equivalent identifier).
 - (3) Current performance/condition.
 - (4) Purchase and installation date.
 - (5) Purchase price.
 - (6) Replacement cost.
 - (7) Quantitative consequence of failure.
 - (8) Quantitative likelihood of failure.
 - b. Automate work order production and tracking.
 - c. Prioritize system maintenance and rehabilitation projects.
2. Create or update and submit to EPA an Asset Management Plan (“AMP”) within one year of permit issuance. The components of the AMP shall include:
 - a. **Rehabilitation and Replacement Plan.** The plan shall identify and prioritize upcoming asset rehabilitation and replacement projects costing greater than \$5,000 and outline a proposed schedule for completion of each project.
 - b. **Maintenance Plan.** The plan shall identify individual or categories of maintenance activities and frequency with which they are performed. The plan shall estimate ongoing and projected cost of maintenance activities.
 - c. **System Map.** A sewer collection system map shall incorporate assets from the asset management inventory. The map shall be color-coded to identify maintenance and rehabilitation priorities.
 - d. **Funding.** The plan shall create an accounting of current and projected funding sources, relevant expenses and financial reserves. Expenses may include operational, administrative, interest, or capital expenses. Funding sources may

include federal, state, local or private grants, loans, or bonds, as well as connection and user fees.

- e. **System Projections.** Evaluate growth projections of population and service area and potential vulnerabilities resulting from climate change over the next 30 years.

H. Capacity Attainment and Planning

The permittee shall file a written report within ninety (90) days if the average dry weather wastewater treatment flow for any month exceeds 90 percent of the annual dry weather design capacity of the waste treatment and/or disposal facilities.

I. Summary of Special Reports

The permittee is required to submit special reports in this permit by the dates listed in Table 4, below. The permittee shall submit all reports to EPA at: R9NPDES@epa.gov. The permittee shall also submit reports to the Madera County Environmental Health Division in addition to any specific reporting instructions otherwise specified.

When submitting reports to R9NPDES@epa.gov, the permittee shall include the following information in the subject line:

- 1. The permit number (CA0004009)
- 2. The name of the report as written in the table below.
- 3. The word “submittal”

Table 4. Special Reports to Submit to EPA.

Special Report Name	Due Date	Permit Section
Initial Investigation TRE Work Plan	Within 90 days of the permit effective date	Section II.C.6
Asset Management Plan	One year after effective date of permit	Section II.G.

Part III. STANDARD CONDITIONS

The permittee shall comply with all EPA Region 9 Standard Conditions below.

A. All NPDES Permits

In accordance with 40 CFR Section 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

- 1. Duty to comply; at 40 CFR Section 122.41(a).

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement

action; for permit termination, revocation and reissuance, or modification; or 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 established 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 Sections 301, 302, 306, 307, 308, 318 or 405 of the Act, 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 Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who *negligently* violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates Sections 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, such as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.¹

¹ The civil and administrative penalty amounts are adjusted annually for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the current penalty amounts are set forth in 40 CFR § 19.4.

- c. Any person may be assessed an administrative civil penalty by the Administrator for violating Sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.¹
2. Duty to reapply; at 40 CFR Section 122.41(b).

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. Any permittee with a currently effective permit 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 Director.
3. Need to halt or reduce activity not a defense; at 40 CFR Section 122.41(c).

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.
4. Duty to mitigate; at 40 CFR Section 122.41(d).

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.
5. Proper operation and maintenance; at 40 CFR Section 122.41(e).

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 backup 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.
6. Permit actions; at 40 CFR Section 122.41(f).

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
7. Property rights; at 40 CFR Section 122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to provide information; at 40 CFR Section 122.41(h).

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

9. Inspection and entry; at 40 CFR Section 122.41(i).

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the 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.

10. Monitoring and records; at 40 CFR Section 122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), 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. This period may be extended by request of the Director 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 individuals(s) who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses.

- d. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- 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 of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

11. Signatory requirement; at 40 CFR Section 122.41(k).

- a. All applications, reports, or information submitted to the Director shall be signed and certified (See 40 CFR Section 122.22). All permit applications shall be signed as follows:
 - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to

responsible corporate officers identified in 40 CFR Section 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR Section 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (3) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were

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

- e. 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 non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements; at 40 CFR Section 122.41(l).

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only 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 CFR Section 122.29(b);
 - (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 CFR Section 122.42(a)(1); or
 - (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 Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers. This permit is not transferable to any person except after notice to the Director. 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 CWA. (See 40 CFR Section 122.61; in some cases, modification or revocation and reissuance is mandatory.)

- (1) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR Section 122.62(b)(2)), or a minor modification made (under 40 CFR Section 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
 - (2) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;
 - (B) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (C) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR Section 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a DMR or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016, 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 Section 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, Subpart D to Part 3), 40 CFR Section 122.22, and 40 CFR Part 127.
 - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four-hour reporting.
 - (1) The permittee shall report any noncompliance that 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 report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report 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. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR Section 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, Subpart D to Part 3), 40 CFR Section 122.22, and 40 CFR Part 127.
 - (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 CFR Section 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 Director in the permit to be reported within 24 hours. (See 40 CFR Section 122.44(g))
 - (3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR Section 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.

- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR Sections 122.41(1)(4), (5), and (6), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (1)(6) 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 Director, it shall promptly submit such facts or information.
13. Bypass; at 40 CFR Section 122.41(m).
- 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 40 CFR Sections 122.41(m)(3) and (m)(4).
 - 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 10 days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (1)(6) of this section (24-hour notice).
 - (3) As of December 21, 2020, all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR Section 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, Subpart D to Part 3), 40 CFR Section 122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.
 - 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 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 (m)(3) 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 (m)(4)(i) of this section.

14. Upset; at 40 CFR Section 122.41(n).

- a. Definition. "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 cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative 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 (n)(3) 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; and
 - (3) The permittee submitted notice of the upset as required in paragraph (l)(6)(ii)(B) of this section (24-hour notice).

(4) The permittee complied with any remedial measures required under paragraph (d) of this section.

- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Reopener Clause; at 40 CFR Section 122.44(c).

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

16. Minor modifications of permits; at 40 CFR Section 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR Part 124 draft permit and public notice as required in 40 CFR Section 122.62. Minor modifications may only:

- a. Correct typographical errors;
- b. Require more frequent monitoring or reporting by the permittee;
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;
- e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger’s obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR Section 122.29;
- f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits;

- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR Section 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR Section 403.18) as enforceable conditions of the POTW's permits.

17. Termination of permits; at 40 CFR Section 122.64.

- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
 - (1) Noncompliance by the permittee with any conditions of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - (3) 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; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA Section 308

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

19. Removed Substances; pursuant to CWA Section 301

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

20. Severability; pursuant to CWA Section 512

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

21. Civil and Criminal Liability; pursuant to CWA Section 309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

22. Oil and Hazardous Substances Liability; pursuant to CWA Section 311

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

23. State, Tribe, or Territory Law; pursuant to CWA Section 510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

B. Specific Categories of NPDES Permits

In accordance with 40 CFR Section 122.42, the following conditions, in addition to those set forth at 40 CFR Section 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

24. Publicly owned treatment works; at 40 CFR Section 122.42(b).

- a. All POTWs must provide adequate notice to the Director of the following:
 - (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 and 306 of the CWA if it were directly discharging those pollutants; and
 - (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- b. The following condition has been established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act. Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR Part 270. Hazardous wastes are defined at 40 CFR Part 261 and include any mixture containing any waste listed under 40 CFR Section 261.31 through 261.33. The Domestic Sewage Exclusion (40 CFR Section 261.4) applies only to wastes mixed with domestic sewage in a

sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

Attachment A: Definitions

1. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A “composite” sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR Section 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR Section 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A “daily discharge” means the “discharge of a pollutant” measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of

40 CFR Section 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR Section 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.
10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR Part 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
 - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
 - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of $(1, 2, \text{ or } 5) \times 10^n$, where n is zero or an integer. (For example, if an MDL is $2.5 \mu\text{g/l}$, then the calculated ML is: $2.5 \mu\text{g/l} \times 3.18 = 7.95 \mu\text{g/l}$. The multiple of $(1, 2, \text{ or } 5) \times 10^n$ nearest to 7.95 is $1 \times 10^1 = 10 \mu\text{g/l}$, so the calculated ML, rounded to the nearest whole number, is $10 \mu\text{g/l}$.)
11. A “NODI(B)” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
12. A “NODI(Q)” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.

Attachment E. Temperature- and pH-Dependent Ammonia Objectives

(from 1999 Update of Ambient Water Quality Criteria for Ammonia)

pH-Dependent Values of the Ammonia CMC (Criterion Maximum Concentration) for Salmonids Present (Applicable Criteria for AIR MDEL)

pH	CMC, mg N/L
6.5	32.6
6.6	31.3
6.7	29.8
6.8	38.1
6.9	26.2
7.0	24.1
7.1	22.0
7.2	19.7
7.3	17.5
7.4	15.4
7.5	13.3
7.6	11.4
7.7	9.65
7.8	8.11
7.9	6.77
8.0	5.62
8.1	4.64
8.2	3.83
8.3	3.15
8.4	2.59
8.5	2.14
8.6	1.77
8.7	1.47
8.8	1.23
8.9	1.04
9.0	0.885

**Temperature- and pH-Dependent Values of the Ammonia CCC (Chronic Criterion Concentration)
for Fish Early Life Stages Present (Applicable Criteria for AIR AMEL)**

CCC, mg N/L										
	Temperature, °C									
pH	0	14	16	18	20	22	24	26	28	30
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

Attachment F: List of Priority Pollutants

Priority Pollutants are a set of chemical pollutants for which EPA has developed analytical methods. The permittee shall test for all priority pollutants in: *40 CFR Part 423, Appendix A*. For reference, the 126 priority pollutants at time of issuance include the following:

NOTE: pollutants with green highlight should be collected as grab samples

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride
7. Chlorobenzene
8. 1,2,4-trichlorobenzene
9. Hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. Hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. Chloroethane
17. (Removed)
18. Bis(2-chloroethyl) ether
19. 2-chloroethyl vinyl ethers
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. Parachlorometa cresol
23. Chloroform
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3-dichlorobenzidine
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. Bis(2-chloroisopropyl) ether
43. Bis(2-chloroethoxy) methane
44. Methylene chloride
45. Methyl chloride/chloromethane
46. Methyl bromide/bromomethane
47. Bromoform
48. Dichlorobromomethane
49. (Removed)
50. (Removed)
51. Chlorodibromomethane
52. Hexachlorobutadiene
53. Hexachlorocyclopentadiene
54. Isophorone
55. Naphthalene
56. Nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. Pentachlorophenol
65. Phenol
66. Bis(2-ethylhexyl) phthalate
67. Butyl benzyl phthalate
68. Di-N-Butyl Phthalate
69. Di-n-octyl phthalate
70. Diethyl Phthalate
71. Dimethyl phthalate
72. Benzo(a) anthracene
73. Benzo(a) pyrene
74. Benzo(b) fluoranthene

75. Benzo(k) fluoranthene
76. Chrysene
77. Acenaphthylene
78. Anthracene
79. Benzo(ghi) perylene
80. Fluorene
81. Phenanthrene
82. Dibenzo(h) anthracene
83. Indeno (1,2,3-cd) pyrene
84. Pyrene
85. Tetrachloroethylene
86. Toluene
87. Trichloroethylene
88. Vinyl chloride
89. Aldrin
90. Dieldrin
91. Chlordane
92. 4,4-DDT
93. 4,4-DDE
94. 4,4-DDD
95. Alpha-endosulfan
96. Beta-endosulfan
97. Endosulfan sulfate
98. Endrin
99. Endrin aldehyde
100. Heptachlor
101. Heptachlor epoxide
102. Alpha-BHC
103. Beta-BHC
104. Gamma-BHC
105. Delta-BHC
106. PCB-1242 (Arochlor 1242)
107. PCB-1254 (Arochlor 1254)
108. PCB-1221 (Arochlor 1221)
109. PCB-1232 (Arochlor 1232)
110. PCB-1248 (Arochlor 1248)
111. PCB-1260 (Arochlor 1260)
112. PCB-1016 (Arochlor 1016)
113. Toxaphene
114. Antimony
115. Arsenic
116. Asbestos
117. Beryllium
118. Cadmium
119. Chromium
120. Copper
121. Cyanide, Total
122. Lead
123. Mercury
124. Nickel
125. Selenium
126. Silver
127. Thallium
128. Zinc
129. 2,3,7,8-TCDD