



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604

**REISSUANCE**

Part I

Page I-1

Permit No. WI-0046868-5


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

In compliance with the provisions of the Clean Water Act, as amended, Menominee Tribal Enterprises, a business of the Menominee Indian Tribe of Wisconsin, is authorized by the United States Environmental Protection Agency, Region 5, to discharge wastewater from a timber processing facility located on the Menominee Indian Reservation, N3580 Highway 47, Neopit, Wisconsin, Menominee County to receiving waters named Neopit Mill Pond and the West Branch of the Wolf River, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

This permit and the authorization to discharge shall expire at midnight, April 15, 2026. The permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by EPA no later than 180 days prior to the above date of expiration.

This permit shall become effective on the date of signature.

Signed and Dated \_\_\_\_\_, 2021

 Digitally signed by TERA FONG  
Date: 2021.04.16  
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Tera L. Fong  
Director, Water Division

**Facility Description:**

The existing facility is a timber processing facility which produces rough sawn and planed lumber from logs harvested from the Menominee Indian Reservation. Processes include wet decking, mechanical barking, sawing, edging, planing, machining, and drying. The following outfalls are covered under this permit:

001- Boiler blowdown discharge to the West Branch of the Wolf River

002- Stormwater discharge to the West Branch of the Wolf River

003- Wet decking discharge to the Neopit Mill Pond

**Summary of Regular Reporting**

FOR INFORMATIONAL PURPOSES ONLY

<b>Description</b>	<b>Due Date</b>	<b>Location</b>
Wastewater Discharge Monitoring Report Forms	Quarterly: by April 21; by July 21; by October 21; by January 21, each year (electronically)	Part I.E.2

**A. Final Effluent Limitations-Outfall 001**

From the Effective Date of the permit until the Expiration Date, the permittee is authorized to discharge from Outfall 001 (boiler blowdown). Such discharge shall be limited and monitored by the permittee as specified below.

Limitations for Surface Water Discharges	Monitoring Requirements
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Parameter	Daily Minimum	Daily Maximum	Sample <sup>(a)</sup> Frequency	Sample <sup>(b,c)</sup> Type
Flow (Gallons Per Day)	-	Report	Quarterly	Estimate
Temperature (°F)	-	Report	Quarterly	Grab
Total Suspended Solids	-	40 mg/l	Quarterly	Grab
pH	6.0 s.u.	9.0 s.u.	Quarterly	Grab
Oil and Grease (mg/L)	-	Report	Annually	Grab
BOD <sub>5</sub> (mg/L)	-	Report	Annually	Grab
Total Phosphorus (mg/L)	-	Report	Annually	Grab
Ammonia Nitrogen (mg/L)	-	Report	Annually	Grab
Water Treatment Additives	-	Report Monthly Total	Monthly	Record Usage

- (a) Quarterly sample frequency means performing the associated monitoring four times per year; once anytime during each of the four annual quarters (Jan.-Feb.-March, April-May-June, July-Aug.-Sept., Oct.-Nov.-Dec.). If there is no discharge during a quarter, the permittee shall state this on the discharge monitoring report form.
- (b) Estimate means a reasonable approximation of the average daily flow based on a water balance, an uncalibrated weir, calculations from the velocity and cross section of the discharge, intake water meter readings, discharge water meter readings, or any other method approved by EPA. See Part II.C.2.
- (c) A grab sample means a single sample taken at one moment of time or a combination of several smaller samples of equal volume taken in less than a two-minute period. This sample should represent the highest effluent concentration known or expected to occur under normal operating conditions. If the outfall location is not accessible, the permittee may approximate effluent concentrations based on influent concentrations. This estimation method may only be used for discharges that do not significantly concentrate the pollutant during the treatment process.

**B. Outfall 002 - Stormwater**

**1. Final Numeric Effluent Limitations**

From the Effective Date of the permit until the Expiration Date, the permittee is authorized to discharge from Outfall 002 (stormwater from the retention basin). Such discharge shall be limited and monitored by the permittee as specified below.

Limitations for Surface Water Discharges		Monitoring Requirements	
Parameter	Daily Maximum	Sample <sup>(a)</sup> Frequency	Sample Type
Total Suspended Solids (mg/L)	(d) Report	Quarterly	(b) Grab
COD (mg/L)	(d) Report	Quarterly	(b) Grab
Total Zinc (mg/L)	(d) Report	Quarterly	(b) Grab
Hardness (mg/L) (c) (receiving water)	Report	Quarterly	(b) Grab
(e) Visual Monitoring	N/A	Quarterly	Visual

a) Quarterly sample frequency means performing the associated monitoring four times per year; once anytime during each of the four annual quarters (Jan.-Feb.-March, April-May-June, July-Aug.-Sept., Oct.-Nov.-Dec.). If there is no discharge during a quarter, the permittee shall state this on the discharge monitoring report form.

b) A grab sample means a single sample taken at one moment of time. It shall be taken within the first 30 minutes of the discharge caused by a storm event with at least 0.1 inch of precipitation. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable. This information shall be submitted on or with the discharge monitoring report. Along with the results of your monitoring, you must provide the date and duration (in hours) of the storm event(s) samples; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

c) See Part I.E.9.2

d) See Part I.E.9

e) See Part I.E.6

**2. Final Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)**

**2.1 Minimize Exposure.** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, you must also:

- a. Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- c. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- d. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
- e. Use spill/overflow protection equipment;

- f. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and
- g. Perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray.

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

**2.2 Good Housekeeping.** You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- a. Sweep or vacuum at regular intervals, or alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;
- b. Store materials in appropriate containers;
- c. All dumpsters with a lid must remain closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). In no cases can there be dry weather discharges from dumpsters or roll off boxes;
- d. Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping exposed areas free of such materials or by intercepting them before they are discharged.

### **2.3 Maintenance.**

a. **Maintenance Activities.** You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:

- i. Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater.
- ii. Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).

- iii. Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.
- iv. Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe. b.

**Maintenance Deadlines.**

- i. If you find that your control measures are in need of routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges.
- ii. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part I.E.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the EPA Regional Office of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly, or is not being properly operated or maintained, you must conduct corrective action as specified in Part I.E.3.

*Note: In this context, the term “immediately” requires you to, on the same day you identify that a control measure needs to be maintained, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to take action, the initiation of action must begin no later than the following work day. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new best management practice (BMP) to be installed at a later date.*

**2.4 Spill Prevention and Response.** You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- a. Plainly label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”)

that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;

- b. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- c. Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- d. Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
- e. Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

**2.5 Erosion and Sediment Controls.** You must minimize erosion by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control measures to minimize the discharge of sediment. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP. There are many resources available to help you select appropriate BMPs for erosion and sediment control, including EPA's Stormwater Discharges from Construction Activities website at: <https://www.epa.gov/npdes/stormwater-dischargesconstruction-activities>.

**2.6 Management of Runoff.** You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series*,) <https://www.epa.gov/npdes/stormwater-discharges-industrialactivities#factsheets>, and any similar tribal resources.

**2.7 Salt Storage Piles or Piles Containing Salt.** You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including



maintenance of paved surfaces, in order to minimize pollutant discharges. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

## **2.8 Employee Training.**

- a. **Types of Personnel Who Require Training.** You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:
  - i. personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
  - ii. personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
  - iii. Personnel who are responsible for taking and documenting corrective actions as required in Part I.E.3; and
  - iv. Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts I.E.4 and 5.
  
- b. **Areas of Required Training.** Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):
  - i. an overview of what is in the SWPPP: Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
  - ii. the location of all controls on the site required by this permit, and how they are to be maintained;
  - iii. the proper procedures to follow with respect to the permit's pollution prevention requirements; and
  - iv. when and how to conduct inspections, record applicable findings, and take corrective actions.

**3.10 Dust Generation and Vehicle Tracking of Industrial Materials.** You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.

**3. Water Quality-Based Effluent Limitations**

**3.1 Water Quality Standards.** Your discharge must be controlled as necessary to meet applicable water quality standards (i.e., your discharge must not cause or contribute to an exceedance of applicable water quality standards).

EPA expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge does not meet applicable water quality standards, you must take corrective action as required in Part I.E.3.1 and document the corrective actions as required in Part I.E.3.3.

EPA may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis, if information in your required reports or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA-established or approved TMDL.

**C. Final Effluent Limitations-Outfall 003**

From the Effective Date of the permit until the Expiration Date, the permittee is authorized to discharge from Outfall 003 (Wet Decking Wastewater). Such discharge shall be limited and monitored by the permittee as specified below.

Limitations for Surface Water Discharges			Monitoring Requirements	
Parameter	Daily Minimum	Daily Maximum	Sample <sup>(a)</sup> Frequency	Sample Type
Flow (Gallons Per Day)	-	Report	Weekly <sup>(a)</sup>	Estimate <sup>(b)</sup>
pH	6.0 s.u.	9.0 s.u.	Weekly <sup>(a)</sup>	Grab <sup>(c)</sup>
Visual Monitoring <sup>(d)</sup>	N/A	N/A	Weekly <sup>(a)</sup>	Visual
Total Suspended Solids (mg/L)		Report <sup>(f)</sup>	Quarterly <sup>(e)</sup>	Grab <sup>(c)</sup>

- a) Weekly sample frequency means performing the associated monitoring fifty-two (52) times per year; once anytime during each week during discharge. If there is no discharge during a week, the permittee shall state this on the discharge monitoring report form.
- b) Estimate means a reasonable approximation of the average daily flow based on a water balance, an uncalibrated weir, calculations from the velocity and cross section of the discharge, intake water meter readings, discharge water meter readings, or any other method approved by EPA. See Part II.C.2.
- c) A grab sample means a single sample taken at one moment of time or a combination of several smaller samples of equal volume taken in less than a two-minute period.
- d) There shall be no discharge of debris that will not pass through a 2.54 cm (1") diameter round opening.
- e) Quarterly sample frequency means performing the associated monitoring four times per year; once anytime during each of the four annual quarters (Jan.-Feb.-March, April-May-June, July-Aug.-Sept., Oct.-Nov.-Dec.). If there is no discharge during a quarter, the permittee shall state this on the discharge monitoring report form. f) See Part I.E.9

**D. Final Effluent Limitations-Prohibited Discharges**

There shall be no discharge of process wastewater pollutants to navigable water associated with the following processes from this facility:

Mechanical Barking  
Sawing  
Edging  
Planing  
Machining  
Drying

**E. Special Conditions**

1. Representative samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. See also Parts II.C.1 and 3.

**2. Reporting**

The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations.

Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:

- a. If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
- b. If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
- c. Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values.

**2.1** The permittee shall record all monitoring results required by Part I.A., Part I.B, and Part I.C. on Discharge Monitoring Report (DMR) forms.

**2.2** The permittee shall submit electronic DMRs using the procedures below.

**2.2.1** All monitoring data required by this permit shall be submitted on EPA Form 3320-1 Discharge Monitoring Report (DMR) using the electronic DMR (NetDMR), or subsequent internet applications. NetDMR is a web-based application that allows National Pollutant Discharge Elimination System (NPDES) Permittee Users to enter and electronically submit Discharge Monitoring Report (DMR) data through the Central Data Exchange (CDX) to the

Integrated Compliance Information System (ICIS). EPA's NetDMR webpage can be found at: <https://cdxnodengn.epa.gov/net-netdmr/>

Please contact, U.S. Environmental Protection Agency, Water Enforcement & Compliance Assurance Branch, Attention: Information Management Specialist - ECW-15J, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 886-0148 if you wish to receive additional NetDMR training.

**2.2.2** The DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined Part II.D.13:

For NetDMR, the person(s) viewing, editing, signing and submitting the DMRs will need to register for a new account managed by the EPA Region 5. Facility or permittee staff responsible for signing and submitting DMRs on behalf of an organization; A request for signatory privilege requires submission of a Subscriber Agreement to EPA Region 5. Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using NetDMR, or on a paper delegation form provided by EPA. For more information and guidance on NetDMR, please view the following web page: <https://netdmr.zendesk.com/home>

**2.2.3** DMRs submitted using NetDMR shall be submitted to EPA, Region 5 by the 21st day of the month (April, July, October, January) following the quarter for which the monitoring was completed.

A paper copy of the submitted EPA 3320-1 DMR shall be maintained onsite for records retention purposes Part II.C.5. For NetDMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted.

### **3. Corrective Actions and Additional Implementation Measures (AIM)**

#### **3.1 Corrective Action**

**3.1.1 Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met.** When any of the following conditions occur or are detected during an inspection, monitoring or other means, or EPA or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; nonstormwater discharges; the selection, design, installation and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

**3.1.1.1** An unauthorized release or discharge (e.g., spill, leak, or discharge of nonstormwater not authorized by this or another NPDES permit to a water of the U.S.) occurs at your facility;

**3.1.1.2** A discharge violates a numeric effluent limit;

**3.1.1.3** Your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit;

**3.1.1.4** A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained; or

**3.1.1.5** Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

### **3.1.2 Conditions Requiring SWPPP Review to Determine if Modifications Are**

**Necessary.** If construction or a change in design, operation, or maintenance at your facility occurs that significantly changes the nature of pollutants discharged via stormwater from your facility, or significantly increases the quantity of pollutants discharged, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your stormwater control measures) to determine if modifications are necessary to meet the effluent limits in this permit.

### **3.1.3 Deadlines for Corrective Actions**

**3.1.3.1 Immediate Actions.** You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. In Part I.E.3, the term “immediately” means that the day you find a condition requiring corrective action, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate corrective action, you must perform the corrective action the following work day morning. The term “all reasonable steps” means you must respond to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed.

**3.1.3.2 Subsequent Actions.** If additional actions are necessary beyond those implemented pursuant to Part I.E.3.1.3.1, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify EPA Region 5 of your intention to exceed 45

days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part I.E.3.3 below). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

**3.1.4 Effect of Corrective Action.** If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

**3.1.5 Substantially Identical Outfalls.** If the event triggering corrective action is associated with an outfall that had been identified as a “substantially identical outfall”, your review must assess the need for corrective action for all related substantially identical outfalls. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part I.E.3.1.3.

### **3.2 Additional Implementation Measures (AIM)**

If any of the following events in Parts I.E.3.2.1, I.E.3.2.2, or I.E.3.2.3 occur, you must follow the response procedures described in those parts, called “additional implementation measures” or “AIM.” There are three AIM Levels: AIM Level 1, Level 2, and Level 3. You must respond as required to different AIM levels which prescribe sequential and increasingly robust responses when a benchmark exceedance occurs. You must follow the corresponding AIM level responses and deadlines described in Parts I.E.3.2.1, I.E.3.2.2, and I.E.3.2.3 unless you qualify for an exception under Part I.E.3.2.

**3.2.1 Baseline Status.** Once you receive discharge authorization under this permit, you are in a baseline status for all applicable benchmark parameters. If an AIM triggering event occurs and you have proceeded sequentially to AIM Level 1, 2 or 3, you may return directly to baseline status once the corresponding AIM-level response and conditions are met.

**3.2.2 AIM Triggering Events.** If an annual average exceeds an applicable benchmark threshold based on the following events, the AIM requirements have been triggered for that benchmark parameter. You must follow the corresponding AIM-level responses and deadlines described in Parts I.E.3.2.3, I.E.3.2.4, and I.E.3.2.5 unless you qualify for an exception under Part I.E.3.2.6. An annual average exceedance for a parameter can occur if:

**3.2.2.1** The four-quarterly annual average for a parameter exceeds the benchmark threshold, or

**3.2.2.2** Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. This result indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).

**3.2.3 AIM Level 1** Your status changes from baseline to AIM Level 1 if quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has occurred, unless you qualify for an exception under Part I.E.3.2.6.

**3.2.3.1 AIM Level 1 Responses.** If any of the triggering events in Part I.E.3.2.2 occur, you must:

- a. Review SWPPP/Stormwater Control Measures.** Immediately review your SWPPP and the selection, design, installation, and implementation of your stormwater control measures to ensure the effectiveness of your existing measures and determine if modifications are necessary to meet the benchmark threshold for the applicable parameter, and
- b. Implement Additional Measures.** After reviewing your SWPPP/ stormwater control measures, you must implement additional implementation measures, considering good engineering practices, that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your stormwater control measures, you must document per Part I.E.3.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period.

**3.2.3.2 AIM Level 1 Deadlines.** If any modifications to or additional control measures are necessary in response to AIM Level 1, you must implement those modifications or control measures within 14 days of receipt of laboratory results, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part I.E.3.3 why it is infeasible and implement such modifications within 45 days.

**3.2.3.3 Continue Quarterly Benchmark Monitoring.** After compliance with AIM Level 1 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected stormwater discharge points, beginning no later than the next full quarter after compliance.

**3.2.3.4 AIM Level 1 Status Update.** While in AIM Level 1 status, you may either:

- a. Return to Baseline Status.** Your AIM Level 1 status will return to baseline status if the AIM Level 1 responses have been met and continued quarterly benchmark



monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part I.E.9 or if you have fulfilled all benchmark monitoring requirements per Part I.E.9, then you may discontinue monitoring for that parameter for the remainder of the permit.

**b. Advance to AIM Level 2.** Your AIM Level 1 status advances to AIM Level 2 status if you have completed AIM Level 1 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

**3.2.4 AIM Level 2** Your status changes from AIM Level 1 to AIM Level 2 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception under Part I.E.3.2.6.

**3.2.4.1 AIM Level 2 Responses.** If any of the events in Part I.E.3.2.2 occur, you must review your SWPPP and implement additional pollution prevention/good housekeeping SCMs, considering good engineering practices, beyond what you did in your AIM Level 1 responses that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold.

**3.2.4.2 AIM Level 2 Deadlines.** You must implement additional pollution prevention/good housekeeping SCMs within 14 days of receipt of laboratory results that indicate an AIM triggering event has occurred and document per Part I.E.3.3 how the measures will achieve benchmark thresholds. If it is feasible for you to implement a measure, but not within 14 days, you may take up to 45 days to implement such measure. You must document per Part I.E.3.3 why it was infeasible to implement such measure in 14 days. EPA may also grant you an extension beyond 45 days, based on an appropriate demonstration by you, the operator.

**3.2.4.3 Continue Quarterly Benchmark Monitoring.** After compliance with AIM Level 2 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

**3.2.4.4 AIM Level 2 Status Update.** While in AIM Level 2 status, you may either:

**a. Return to Baseline Status.** Your AIM Level 2 status will return to baseline status if the AIM Level 2 responses have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that

parameter until monitoring resumes in year 4 of permit coverage per Part I.E.9, or if you have fulfilled all benchmark monitoring requirements per Part I.E.9, then you may discontinue monitoring for that parameter for the remainder of the permit.

**b. Advance to AIM Level 3.** Your AIM Level 2 status advances to AIM Level 3 status if you have completed the AIM Level 2 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

**3.2.5 AIM Level 3.** Your status changes from AIM Level 2 to AIM Level 3 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception per Part I.E.3.2.6.

**3.2.5.1 AIM Level 3 Responses.** If any of the triggering events in Part I.E.3.2.2 occur, you must install structural source controls (e.g., permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures), except as provided in Part I.E.3.2.6 (AIM Exceptions). The controls or treatment technologies or treatment train you install should be appropriate for the pollutants that triggered AIM Level 3 and should be more rigorous than the pollution prevention/good housekeeping-type stormwater control measures implemented under AIM Tier 2 in Part I.E.3.2.4. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must install such stormwater control measures for the discharge point(s) in question and for substantially identical discharge points (SIDPs), unless you individually monitor those SIDPs and demonstrate that AIM Level 3 requirements are not triggered at those discharge points.

**3.2.5.2 AIM Level 3 Deadlines.** You must identify the schedule for installing the appropriate structural source and/or treatment stormwater control measures within 14 days and install such measures within 60 days. If it is not feasible within 60 days, you may take up to 90 days to install such measures, documenting in your SWPPP per Part I.E.3.3 why it is infeasible to install the measure within 60 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator.

**3.2.5.3 Continue Quarterly Benchmark Monitoring.** After compliance with AIM Level 3 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

**3.2.5.4 AIM Level 3 Status Update.** While in AIM Level 3 status, you may either:

- a. Return to Baseline Status.** Your AIM Level 3 status will return to baseline status if the AIM Level 3 response(s) have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in what would be year 4 of permit coverage per Part I.E.9, or if you have fulfilled all benchmark monitoring requirements per Part I.E.9, then you may discontinue monitoring for that parameter for the remainder of the permit.
- b. Continue in AIM Level 3.** Your AIM Level 3 status will remain at Level 3 if you have completed the AIM Level 3 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.E.3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)). You must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

**3.2.6 AIM Exceptions.** Following the occurrence of an AIM triggering event per Part I.E.3.2.2, at any point or tier level of AIM and following four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data), you may qualify for an exception below from AIM requirements and continued benchmark monitoring. Regardless if you qualify for and claim an exception, you must still review your SCMs, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate in light of your benchmark exceedance(s). If claiming an AIM exception, you must follow the requirements to demonstrate that you qualify for the exception as provided below. If you qualify for an exception, you are not required to comply with the AIM responses or the continuation of quarterly benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is:

**3.2.6.1 Solely Attributable to Natural Background Pollutant Levels:** You must demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Region 5 office upon request:

- a.** The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background; and
- b.** You document and maintain with your SWPPP, as required in Part I.E.4.5.8, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge. Natural background pollutants are those substances that are naturally occurring in soils or

ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

**3.2.6.2 Due to Run-On:** You must demonstrate and obtain EPA agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Region 5 office for concurrence:

- a. After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.
- b. If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact the EPA Region 5 office.

**3.2.6.3 Due to an abnormal event:** You must immediately document per Part I.E.3.3 that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You must report the result of this sample in NeT-DMR in lieu of the result from the sample that caused the AIM triggering event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per parameter, and one time per discharge point, which shall include substantially identical discharge points (SIDP), provided you qualify for the exception.

**3.2.6.4 Demonstrated to not result in any exceedance of water quality standards:** You must demonstrate to EPA within 30 days of the AIM triggering event that the triggering event does not result in any exceedance of water quality standards. If it is not feasible to complete this demonstration within 30 days, you may take up to 90 days, documenting in your SWPPP why it is infeasible to complete the demonstration within 30 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator. The demonstration to EPA, which will be made publicly available, must include the following minimum elements in order to be considered for approval by the EPA Region 5 Office:

- a. the water quality standards applicable to the receiving water;
- b. the average flow rate of the stormwater discharge;
- c. the average instream flow rates of the receiving water immediately upstream and downstream of the discharge point;

- d. the ambient concentration of the parameter(s) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;
- e. the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;
- f. any relevant dilution factors applicable to the discharge; and
- g. the hardness of the receiving water.

**Timeframe of EPA Review of Your Submitted Demonstration:** EPA will review and either approve or disapprove of such demonstration within 90 days of receipt (EPA may take up to 180 days upon notice to you before the 90th day that EPA needs additional time).

- **EPA Approval of Your Submitted Demonstration.** If EPA approves such demonstration within this timeframe, you have met the requirements for this exception, and you do not have to comply with the corresponding AIM requirements and continued benchmark monitoring.
- **EPA Disapproval of Your Submitted Demonstration.** If EPA disapproves such demonstration within this timeframe, you must comply with the corresponding AIM requirements and continued benchmark monitoring, as required. Compliance with the AIM requirements would begin from the date EPA notifies you of the disapproval unless you submit a Notice of Dispute to the EPA Region 5 Office within 30 days of EPA's disapproval.
- **EPA Does Not Provide Response Related to Your Submitted Demonstration.** If EPA does not provide a response on the demonstration within this timeframe, you may submit to EPA Region 5 Office a Notice of Dispute.
- **Operator Submittal of Notice of Dispute.** You may submit all relevant materials, including support for your demonstration and all notices and responses to the Water Division Director for EPA Region 5 to review within 30 days of EPA's disapproval or after 90 days (or 180 days if EPA has provided notice that it needs more time) of not receiving a response from EPA.
- **EPA Review of Notice of Dispute.** EPA will send you a response within 30 days of receipt of the Notice of Dispute. Time for action by you, the operator, upon disapproval shall be tolled during the period from filing of the Notice of Dispute until the decision on the Notice of Dispute is issued by the Water Division Director for EPA Region 5.

### **3.3 Corrective Action and AIM Documentation.**

**3.3.1 Documentation within 24 Hours.** You must document the existence of any of the conditions listed in Parts I.E.3.1.1, I.E.3.2.3, I.E.3.2.4, or I.E.3.2.5 within 24 hours of becoming aware of such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. Include the following information in your documentation:

**3.3.2** Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of United States, through stormwater or otherwise;

**3.3.2.1** Date the condition/triggering event was identified;

**3.3.2.2** Description of immediate actions taken pursuant to Part I.E.3.1.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part I.E.2.4); and

**3.3.2.3** A statement, signed and certified in accordance with Part II.D.13.

**3.3.3** Documentation within 14 Days. You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Part I.E.3.1.1, I.E.3.2.3, I.E.3.2.4, and/or I.E.3.2.5 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts I.E.3.1.1, I.E.3.2.3, I.E.3.2.4, or I.E.3.2.5, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified EPA regarding an allowed extension of the specified timeframe, you must document your rationale for an extension. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part I.E.3. You are not required to submit this documentation to EPA, unless specifically required or requested to do so.

#### **4. Stormwater Pollution Prevention Plan (SWPPP)**

You must review and update as needed, your SWPPP for your facility within 90 days of the effective date of this permit. You shall submit to EPA, with a courtesy copy to the Menominee Indian Tribe of Wisconsin Environmental Services Department, P.O. Box 910, Keshena, Wisconsin 54135-0910, a report within 14 days of the completion of the SWPPP indicating, a) the date the SWPPP was updated, or b) that the updated of the SWPPP was not completed, the reason for non-completion, and the anticipated completion date. The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and

improvements to their stormwater management program based on new information and experiences with wet weather events, including major storm events and extreme flooding conditions. As distinct from the SWPPP, the additional documentation requirements (see item 4.5 below) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

*Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the SWPPP, during an inspection, etc.*

**4.1 Person(s) Responsible for SWPPP Preparation.** The SWPPP shall be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a “qualified person” and must be certified per the signature requirements in Part I.E.4.2.7. If EPA concludes that the SWPPP is not in compliance with Part I.E.4.2 of this permit, EPA may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer.

*Note: A “qualified person” is a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.*

**4.2 Required Contents of Your SWPPP.** For coverage under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (see Part I.E.4.2.1);
- Site description (see Part I.E.4.2.2);
- Summary of potential pollutant sources (see Part I.E.4.2.3);
- Description of control measures (see Part I.E.4.2.4);
- Schedules and procedures (see Part I.E.4.2.5);
- Documentation to support eligibility considerations under other federal laws (see Part I.E.4.2.6); and
- Signature requirements (see Part I.E.4.2.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept with your SWPPP.

**4.2.1 Stormwater Pollution Prevention Team.** You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

**4.2.2 Site Description.** Your SWPPP must include the following:

**4.2.2.1 Activities at the Facility.** Provide a description of the nature of the industrial activities at your facility.

**4.2.2.2 General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.

**4.2.2.3 Site map.** Provide a map showing:

- a. Boundaries of the property and the size of the property in acres;
- b. Location and extent of significant structures and impervious surfaces;
- c. Directions of stormwater flow (use arrows);
- d. Locations of all stormwater control measures;
- e. Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;
- f. Locations of all stormwater conveyances including ditches, pipes, and swales;
- g. Locations of potential pollutant sources identified under Part I.E.4.2.3.2;
- h. Locations where significant spills or leaks identified under Part I.E.4.2.3.3 have occurred;
- i. Locations of all stormwater monitoring points;
- j. Locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), indicating if you are treating one or more outfalls as "substantially identical", and an approximate outline of the areas draining to each outfall;
- k. If applicable, MS4s and where your stormwater discharges to them;



- l. Areas of designated critical habitat for endangered or threatened species, if applicable.
- m. Locations of the following activities where such activities are exposed to precipitation:
  - i. fueling stations; ii. vehicle and equipment maintenance and/or cleaning areas; iii. loading/unloading areas; iv. locations used for the treatment, storage, or disposal of wastes;
  - v. liquid storage tanks; vi. processing and storage areas;
  - vii. immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; viii. transfer areas for substances in bulk; ix. machinery;
  - x. locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

**4.2.3 Summary of Potential Pollutant Sources.** You must describe in the SWPPP areas at your facility where industrial materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate. Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

**For each area identified, the description must include:**

**4.2.3.1 Activities in the Area.** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

**4.2.3.2 Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored

or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

**4.2.3.3 Spills and Leaks.** You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

*Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.*

**4.2.3.4 Unauthorized Non-Stormwater Discharges.** You must document that you have evaluated for the presence of unauthorized non-stormwater discharges.

Documentation of your evaluation must include:

- a. The date of the evaluation;
- b. A description of the evaluation criteria used;
- c. A list of the outfalls or onsite drainage points that were directly observed during the evaluation; and
- d. The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.
- e. An explanation of everything you did to immediately eliminate the unauthorized discharge per Part I.E.3 Corrective Actions.

**4.2.3.5 Salt Storage.** You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

**4.2.3.6 Sampling Data.** Existing dischargers must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New dischargers and new sources must provide a summary of any available stormwater runoff data they may have.

**4.2.4 Description of Control Measures to Meet Technology-Based and Water QualityBased Effluent Limits.** You must document the location and type of control measures you have specifically chosen and/or designed to comply with:

- 4.2.4.1 Non-numeric technology-based effluent limits;
- 4.2.4.2 Applicable numeric effluent limitations guidelines-based limits;
- 4.2.4.3 Water quality-based effluent limits;
- 4.2.4.4 Any additional measures that formed the basis of eligibility regarding threatened and endangered species, historic properties, and/or federal CERCLA Site requirements; Applicable effluent limits in Parts I.C and I.E.9.
- 4.2.4.5 Regarding your control measures, you must also document, as appropriate:
  - a. How you addressed the selection and design considerations;
  - b. How they address the pollutant sources identified in Part I.E.4.2.3.

**4.2.5 Schedules and Procedures.**

**4.2.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part I.B.2.** The following must be documented in your SWPPP:

- a. **Good Housekeeping (See Part I.B.2.2)** – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- b. **Maintenance (See Part I.B.2.3)** – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part I.B.2;
- c. **Spill Prevention and Response Procedures (See Part I.B.2.4)** – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part I.E.5.4;

- d. **Erosion and Sediment Controls (Part I.B.2.5)** – If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose;
- e. **Employee Training (Part I.B.2.8)** – The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part I.B.2.8, and also the following:
  - i. The content of the training;
  - ii. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;
  - iii. A log of the dates on which specific employees received training.

**4.2.5.2 Pertaining to Inspections and Assessments.** You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- a. Routine facility inspections (see Part I.E.5.1) and;
- b. Quarterly visual assessment of stormwater discharges (see Part I.E.6).

**For each type of inspection performed, your SWPPP must identify:**

- a. Person(s) or positions of person(s) responsible for inspection;
- b. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges (see Part I.E.5);
- c. Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts I.E.3.1.5 and I.E.3.2.4.

**4.2.5.3 Pertaining to Monitoring.**

- a. **Procedures for Each Type of Monitoring.** You must document in your SWPPP procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:
  - i. Benchmark monitoring;
  - ii. Effluent limitations guidelines monitoring;
  - iii. State- or

tribal-specific monitoring; iv. Impaired waters

monitoring;

v. Other monitoring as required by EPA.

**b. Documentation for Each Type of Monitoring.** For each type of monitoring, your SWPPP must document:

i. Locations where samples are collected, including any determination that two or more outfalls are substantially identical; ii. Parameters for sampling and the frequency of sampling for each parameter;

iii. Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater runoff;

iv. Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall;

v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data.

**c. Exception for Inactive and Unstaffed Sites.** If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring or impaired waters monitoring, you must include in your SWPPP the information to support this claim as required by Part I.E.4.2.1.3 and I.E.4.2.4.2.

**d. Exception for Substantially Identical Discharge Points.** You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part I.E.6 or your benchmark or impaired waters monitoring requirements:

i. Location of each of the substantially identical outfalls;

ii. Description of the general industrial activities conducted in the drainage area of each outfall;

iii. Description of the control measures implemented in the drainage area of each outfall;

iv. Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;

- v. An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
- vi. Why the outfalls are expected to discharge substantially identical effluents.

#### **4.2.6 Documentation to Support Eligibility Considerations Under Other Federal Laws.**

**4.2.6.1 Documentation Regarding Endangered and Threatened Species and Critical Habitat Protection.** You must keep with your SWPPP the documentation supporting your determination with regard to Endangered and Threatened Species and Critical Habitat Protection.

**4.2.6.2 Documentation Regarding Historic Properties.** You must keep with your SWPPP the documentation supporting your determination with regard to Historic Properties Preservation.

**4.2.7 Signature Requirements.** You must sign and date your SWPPP in accordance with Part II.D.13

**4.3 Required SWPPP Modifications.** You must modify your SWPPP based on the corrective actions and deadlines required under Part I.E.3.3 and that you documented under Part I.E.3.4. SWPPP modifications must be signed and dated in accordance with Part II.D.13.

**4.4 SWPPP Availability.** You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference, as well as your signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to facility employees, EPA, a state or tribe, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection.

Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or restricted information, but you must clearly identify those portions of the SWPPP that are being withheld from public access.

**4.5 Additional Documentation Requirements.** You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

**4.5.1** A copy of the permit application submitted to EPA along with any correspondence exchanged between you and EPA specific to coverage under this permit;

**4.5.2** A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);

- 4.5.3** Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules;
- 4.5.4** All inspection reports, including the Routine Facility Inspection Reports (see Part I.E.5) and Quarterly Visual Assessment Reports (see Part I.E.6);
- 4.5.5** Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event);
- 4.5.6** Corrective action documentation required per Part I.E.3;
- 4.5.7** Documentation of any benchmark exceedances, which AIM Tier triggering event the exceedance caused, and AIM response you employed including:
- 4.5.7.1** The AIM triggering event;
  - 4.5.7.2** The AIM response taken;
  - 4.5.7.3** Any rationale that SWPPP/SCM changes were unnecessary;
  - 4.5.7.4** A demonstration that the exceedance was due to natural background pollutant levels per Part I.E.3.2.4.1, if applicable;
  - 4.5.7.5** a determination from EPA that benchmark monitoring can be discontinued because the exceedance was due to run-on; or
  - 4.5.7.6** a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice.
- 4.5.8** Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources; and
- 4.5.9** Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections, quarterly visual assessments, benchmark monitoring, and/or impaired waters monitoring.

## **5. Inspections**

### **5.1 Routine Facility Inspections.**

**5.1.1 Inspection Personnel.** Inspections must be performed by qualified personnel with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

**5.1.2 Areas that You Must Inspect.** During normal facility operating hours you must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

**5.1.2.1** Areas where industrial materials or activities are exposed to stormwater;

**5.1.2.2** Areas identified in the SWPPP and those that are potential pollutant sources (see Part I.E.4.2.4);

**5.1.2.2** Areas where spills and leaks have occurred in the past three years;

**5.1.2.4** Discharge points; and

**5.1.2.5** Control measures used to comply with the effluent limits contained in this permit.

**5.1.3 What You Must Look for During an Inspection.** During the inspection you must examine or look out for the following:

**5.1.3.1** Industrial materials, residue or trash that may have or could come into contact with stormwater;

**5.1.3.2** Leaks or spills from industrial equipment, drums, tanks and other containers;

**5.1.3.3** Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

**5.1.3.4** Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;

**5.1.3.5** Erosion of soils at your facility, channel and streambank erosion and scour in the immediate vicinity of discharge points;

**5.1.3.6** Non-authorized non-stormwater discharges;

**5.1.3.7** Control measures needing replacement, maintenance or repair.

**5.1.3.8** During an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.



**5.1.4 Inspection Frequency.** Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

**5.1.5 Routine Facility Inspection Documentation.** You must document the findings of your facility inspections and maintain this report with your SWPPP. You must conduct any corrective action required as a result of a routine facility inspection consistent with Part I.E.3. Do not submit your routine facility inspection report to EPA, unless specifically requested to do so. Document all findings, including but not limited to, the following information:

**5.1.5.1** The inspection date and time;

**5.1.5.2** The name(s) and signature(s) of the inspector(s);

**5.1.5.3** Weather information;

**5.1.5.4** All observations relating to the implementation of control measures at the facility, including:

- a. a description of any discharges occurring at the time of the inspection;
- b. any previously unidentified discharges from and/or pollutants at the site;
- c. any evidence of, or the potential for, pollutants entering the drainage system;
- d. observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
- e. any control measures needing maintenance, repairs, or replacement;

**5.1.5.5** Any additional control measures needed to comply with the permit requirements;

**5.1.5.6** Any incidents of noncompliance; and

**5.1.5.7** A statement signed and certified in accordance with Part II.D.13.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part I.E.3 of this permit.

If you performed a discharge visual assessment required in Part I.E.6 during your facility inspection, you may include the results of the assessment with the report required in Part I.E.5.1.1, as long as all components of both types of inspections are included in the report.

## **6. Quarterly Visual Assessment of Stormwater Discharges**

**6.1 Visual Assessment Frequency.** Once each quarter for the entire permit term, you must collect a stormwater sample from each discharge point (except as noted in Part I.E.6.4) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge. Guidance on monitoring is available at

[https://www.epa.gov/sites/production/files/201511/documents/msgp\\_monitoring\\_guide.pdf](https://www.epa.gov/sites/production/files/201511/documents/msgp_monitoring_guide.pdf).

**6.2 Visual Assessment Procedures.** You must do the following for the quarterly visual assessment:

Your visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from your facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Make the assessment of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area; No analytical tests are required to be performed on the samples. All such samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term. If no qualifying storm event resulted in runoff from the facility during a monitoring quarter, you are excused from visual monitoring for that quarter provided you document in your monitoring records that no qualifying storm event occurred that resulted in stormwater runoff during that quarter. You must sign and certify the documentation in accordance with Part II.D.13.

Whenever the visual assessment shows evidence of stormwater pollution, you must initiate the corrective action procedures in Part I.E.3.

**6.3 Quarterly Visual Assessment Documentation.** You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part I.E.4.5. Any corrective action required as a result of a quarterly visual assessment must be conducted consistent with Part I.E.3 of this permit. You are not required to submit your visual assessment findings to EPA, unless specifically requested to do so. Your documentation of the visual assessment must include, but not be limited to:

**6.3.1** Sample location(s);

**6.3.2** Sample collection date and time, and visual assessment date and time for each sample;

- 6.3.3 Personnel collecting the sample and conducting visual assessment, and their signatures;
- 6.3.4 Nature of the discharge (i.e., runoff or snowmelt);
- 6.3.5 Results of observations of the stormwater discharge;
- 6.3.6 Probable sources of any observed stormwater contamination;
- 6.3.7 If applicable, why it was not possible to take samples within the first 30 minutes; and
- 6.3.8 A statement signed and certified in accordance with Part II.D.13.

#### 6.4 Exceptions to Quarterly Visual Assessments

**6.4.1 Adverse Weather Conditions.** When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part I.E.4.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as extended frozen conditions.

**6.4.2 Climates with Irregular Stormwater Discharges.** If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent discharges from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation occurs.

**6.4.3 Areas that Receive Snow.** In areas that receive snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part I.E.4.1.3, taking into account the exception described above for climates with irregular stormwater discharges.

**6.4.4 Inactive and Unstaffed Facilities.** The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP per Part I.E.4.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part II.D.13. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and

unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part I.E.4.5.

**6.4.5 Substantially Identical Discharge Points (SIDP).** If your facility has two or more discharge points that discharge substantially identical effluents, as documented in Part I.E.4.2.5.3, you may conduct quarterly visual assessments of the discharge at just one of the discharge points and report that the results also apply to the SIDPs provided that you conduct visual assessments on a rotating basis of each SIDP throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment conducted at a SIDP, you must assess and modify your control measures as appropriate for each discharge point represented by the monitored discharge point.

**6.5** You must maintain your visual examination reports onsite with the Stormwater Pollution Prevention Plan. The report must include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination. **7. Floating Solids and Foam**

There shall be no discharge of floating solids or visible foam in other than trace amounts.

## **8. Water Treatment Additives**

Water treatment additives vary from innocuous to highly toxic. This permit allows the use of non-biocide compounds which are innocuous for the most part. The following additives have been approved for use at this facility: Fremont 939; Fremont 9962; and Fremont 8536. Nonbiocide water treatment additives are defined, for the purposes of this permit, as those additives which are used primarily to control corrosion or prevent deposition of scale forming materials and which do not exhibit any residual toxic effects on receiving waters.

Only additives that have been reviewed and approved in writing by the EPA may be discharged under this permit. Facilities are required to submit information regarding the toxicity of the additive and the proposed treatment regimen so that EPA can determine if it is allowable and won't negatively impact aquatic life or groundwater. For surface water discharges, the toxicological information needed is at least one 48-hour LC<sub>50</sub> or EC<sub>50</sub> value for daphnia magna or ceriodaphnia dubia, and at least one 96-hour LC<sub>50</sub> or EC<sub>50</sub> value for fathead minnow, rainbow trout, or bluegill. In many cases, this information is provided in the Material Data Safety Sheet (MSDS) which the chemical manufacturer provides to its customers. Some chemical manufacturers provide LC<sub>50</sub> and EC<sub>50</sub> values only for the active ingredient or a component of the product. It is not possible for the EPA to ascertain the toxicity of the whole product on the basis of LC<sub>50</sub> and EC<sub>50</sub> values for product constituents. This is because of the potential for synergistic effects of the other constituents of the product to affect the whole product toxicity. If the facility is unable to provide the whole product toxicity, and if the EPA does not have the toxicity information, the facility will not be able to use the additive.

Changing the types or quantity of additives discharged must also be approved by EPA in writing. Changes in additive use will change the wastewater discharge characteristics and could impact aquatic life or groundwater.

## **9. Benchmark Concentrations**

**9.1 Benchmark Monitoring** Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measures (AIM) in Part I.E.3.2, failure to conduct any required measures would be a permit violation.

At your discretion, you may take more than four samples during separate discharge events to determine the average benchmark parameter value for facility discharges.

### **9.1.1 Applicability of Benchmark Monitoring.**

You must monitor for pH, TSS, and COD, and for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Universal benchmark monitoring thresholds applicable to all sectors (pH, TSS, and COD) and your sector specific benchmark thresholds are listed in Part I.E.9.2. If your facility is in one of the industrial sectors subject to benchmark thresholds that are hardness-dependent, you must submit to EPA with your permit application a hardness value that is representative of your receiving water. Hardness values must be established consistent with the procedures in the 2021 MSGP for Stormwater

Discharges Associated with Industrial Activity, Appendix J

([https://www.epa.gov/sites/production/files/2021-01/documents/2021\\_msgp\\_-\\_appendix\\_j\\_calculating\\_hardness.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_j_calculating_hardness.pdf).) Hardness is not a specific benchmark and therefore the permit does not include a benchmark threshold with which to compare.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample.

### **9.1.2 Benchmark Monitoring Schedule**

Benchmark monitoring of stormwater discharges is required quarterly in the first and fourth year of permit coverage, as follows:

- a. **Year one of permit coverage:** You must conduct benchmark monitoring for all parameters in Part I.E.9.2 for four quarters in your first year of permit coverage, beginning in your first *full* quarter of permit coverage.

- i.** If the annual average<sup>a</sup> for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years (i.e., eight quarters).
  - ii.** If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part I.E.3.2 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter until monitoring resumes in year four of permit coverage, per Part I.E.9.1.2.b below.
- b. Year four of permit coverage:** You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your fourth year of permit coverage (i.e., your thirteenth through sixteenth quarters), unless the first quarter of your fourth year of permit coverage occurs on or after the date this permit expires.

  - i.** If the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the remainder of your permit coverage.
  - ii.** If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part I.E.3.2 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter for the remainder of permit coverage.

**9.1.3 Exception for Facilities in Climates with Irregular Stormwater Discharges.**

Facilities in climates with irregular stormwater discharges may modify this quarterly schedule provided you report this revised schedule directly to EPA by the due date of the first benchmark sample and you keep this revised schedule with the facility's SWPPP. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your

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<sup>a</sup> For this permit, an annual average exceedance for a parameter can occur if: (a) The four-quarter annual average for a parameter exceeds the benchmark threshold; or (b) Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. The result in (b) indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold). For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

benchmark monitoring average. You must indicate in Net-DMR any 3-month interval that you did not take a sample.

**9.1.4 Exception for Inactive and Unstaffed Facilities.** The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are

no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Part II.D.13.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part I.E.9 as if you were in your first year of permit coverage.
- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change. You may discontinue benchmark monitoring once you have notified EPA, and prepared and signed the certification statement described above concerning your facility’s qualification for this special exception.

**9.2** The following benchmark concentration applies to the discharge from wet decking activities (Outfall 003): Total Suspended Solids – 100 mg/L; and the following benchmark concentrations apply to stormwater from your facility (Outfall 002): pH – 6.0-9.0 s.u.; Chemical Oxygen Demand – 120 mg/L; Total Suspended Solids – 100 mg/L; and Zinc – based on hardness of the receiving water (use table).

<b>Water Hardness Range</b>	<b>Zinc</b> (mg/L)
0-25 mg/L	0.04
25-50 mg/L	0.05
50-75 mg/L	0.08
75-100 mg/L	0.11
100-125 mg/L	0.13
125-150 mg/L	0.16
150-175 mg/L	0.18

175-200 mg/L	0.20
200-225 mg/L	0.23
225-250 mg/L	0.25
250+ mg/L	0.26

The permittee shall collect samples for hardness in the receiving water and submit these to a laboratory for analysis. Hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues. Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

**9.3 Data not exceeding benchmarks:** Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample. After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

**9.4 Data exceeding benchmarks:** After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part I.E.3.2, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part I.B of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify EPA of this determination in your next discharge monitoring report.



In accordance with Part I.E.3.2, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

#### **10. Initial GC-MS Scan for TTO's**

A complete initial GC/MS (Gas Chromatograph/Mass Spectrophotometer) scan is required as part of the permit application Form 2C. Because the results of a GC/MS scan were not included with the permit application, the Permittee must perform at least one scan to characterize its pollutants and wastewaters according to the description below:

**10.1** At least two (2) grab samples for volatile and pesticide pollutants and either an eight (8) hour or twenty-four (24) hour composite sample for acid and base/neutral pollutants shall be obtained. Wastewater samples shall be prepared and analyzed by GC/MS in accordance with U.S. EPA Analytical Methods 624 and 625 (40 CFR 136), or subsequently approved methods.

**10.2** In addition to the quantitative analysis for the priority pollutants, a diligent attempt shall be made to identify and quantify any additional substances indicated to be present in the extracts by peaks on the reconstructed gas chromatographs (total ion plots) more than 10 times higher than the peak-to-peak background noise. Identification shall be by reference to the EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be an order of magnitude estimate based upon comparison with an internal standard.

**PART  
II  
STANDARD CONDITIONS FOR NPDES PERMITS**

**SECTION A. GENERAL CONDITIONS**

1. Duty to Comply

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

Operators must comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement. See also paragraph A.5 below.

2. Penalties for Violations of Permit Conditions

EPA will periodically adjust for inflation the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359–69366, as corrected in 62 FR 54, March 20, 1997, pp.13514–13517) as mandated by the Debt Collection Improvement Act of 1996. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

a. Criminal Penalties

(1) Negligent Violations. The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person will be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.

(2) Knowing Violations. The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person will 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.

(3) Knowing Endangerment. The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury will upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person will be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, will, 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.

- (4) **False Statement.** 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 will, 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. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance will, 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. (See Section 309(c)(4) of the Clean Water Act).
- b. **Civil Penalties.** The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$37,500 per day for each violation).
- c. **Administrative Penalties.** The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:
- (1) **Class I Penalty.** Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).
- (2) **Class II Penalty.** Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

### 3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### 4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, terminated or revoked and reissued for cause (as described in 40 CFR 122.62 et. seq) including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

- c. A change in any conditions that requires either temporary interruptions or elimination of the permitted discharge; or
- d. Information newly acquired by the Agency indicating the discharge poses a threat to human health or welfare.

If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance under 40 CFR 122.62, the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. 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.

5. Toxic Pollutants

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Part II, Section B, Paragraph B-3, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

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

8. State/Tribal Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of Federal, State, Tribal, or local laws or regulations.

10. Onshore or Offshore Construction

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

11. Severability

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

12. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority 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 Permit Issuing Authority, upon request, copies of records required to be kept by this permit.

**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

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 Paragraph c. and d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten 10 days before the date of the bypass. As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Permit Issuing Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), §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 this permit.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-8 (24-hour notice). As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Permit Issuing Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), §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 this permit.

d. Prohibition of bypass.

- (1) Bypass is prohibited and the Permit Issuing Authority 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 in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The permittee submitted notice as required under Paragraph c. of this section.
- (2) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph d. (1) of this section.

4. Upsets

"Upsets" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit limitation if the requirements of 40 CFR 122.41(n)(3) are met.

5. Removed Substances

This permit does not authorize discharge of solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater to waters of the United States unless specifically limited in Part I.

## **SECTION C. MONITORING AND RECORDS**

### 1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority.

### 2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than  $\pm 10$  percent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs, or pump hours meters as specified in Part I of this permit, and based on the manufacturer's pump curves, shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide of Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, and Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
- b. "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)
- c. "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
- d. "NPDES Compliance Flow Measurement Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MOD-77, September 1981, 135 pp. (Available from the General Services Building 41, Denver Federal Center, Denver, CO 80225.)

### 3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

### 4. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years

from the date of the sample, measurement, report or application. Records pertaining to sludge requirements shall be retained for 5 years. These periods may be extended by the Permit Issuing Authority at any time.

5. Records Contents

Records of monitoring information shall include:

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

6. Inspection and Entry

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

- a. Enter upon the permittee's premises 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 the 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 Clean Water Act, any substances or parameters at any location.

**SECTION D. REPORTING REQUIREMENTS**

1. Change in Discharge

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

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source; or



- b. 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 Section D, Paragraph D-10(a).
- c. 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.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Permit Issuing Authority by calling (312) 886-6106, of any planned change in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfer of Ownership or Control

A permit may be automatically transferred to another party if:

- a. The permittee notifies the Permit Issuing Authority of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and
- c. The Permit Issuing Authority does not notify the existing permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b.

4. Monitoring Reports

See Part I.E.2 of this permit.

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of this data submitted in the Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated.

6. Averaging of Measurements

Calculations for limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Permit Issuing Authority in the permit.

7. 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.

Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

8. Twenty-Four Hour Reporting

The permittee shall orally report any noncompliance which may endanger health or the environment, within 24 hours from the time the permittee becomes aware of the circumstances by calling (312) 886-6106. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances to the following address:

U.S. Environmental Protection Agency  
Water Enforcement & Compliance Assurance Branch  
Attention: Branch Chief - ECW-15J  
77 West Jackson Boulevard Chicago,  
Illinois 60604

The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permit Issuing Authority may verbally waive the written report, on a case-by-case basis, when the oral report is made.

The following violations shall be included in the 24-hour report when they might endanger health or the environment.

- a. An unanticipated bypass which exceeds any effluent limitation in the permit.
- b. Any upset which exceeds any effluent limitation in the permit.

9. Other Noncompliance

The permittee shall report, in narrative form, all instances of noncompliance not previously reported under Section D, Paragraphs D-2, D-4, D-7, and D-8 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-8.

10. Changes in Discharges of Toxic Substances

The permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not listed in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) One hundred micrograms per liter (100 ug/L);
  - (2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2, 4-dinitrophenol and for 2 methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony; or

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

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant (listed at 40 CFR 122, Appendix D. Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 ug/L);

(2) One milligram per liter (1 mg/L) for antimony; or

(3) Ten (10) times the maximum concentration value reported for that pollutant(s) in the permit application.

#### 11. Changes in Discharges of Toxic Substances by Indirect Users

All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Permit Issuing Authority of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Act if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. 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.

#### 12. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Permit Issuing Authority may grant permission to submit an application less than 180 days in advance but not later than the permit expiration date.

Where EPA is the Permit Issuing Authority, the terms and conditions of this permit are automatically continued in accordance with 40 CFR 122.6, only where the permittee has submitted a timely and sufficient application for a renewal permit and the Permit Issuing Authority is unable through no fault of the permittee to issue a new permit before the expiration date.

#### 13. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

a. 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 (1) 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 decisionmaking functions for the corporation; or

- (2) 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.
  - (3) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (4) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
  - (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 a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for 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 Permit Issuing Authority.
- c. Certification. Any person signing a document under paragraphs (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."

#### 14. Availability of Reports

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

### **SECTION E. DEFINITIONS**

#### 1. Permit Issuing Authority

The Regional Administrator of EPA Region 5 or his designee, unless at some time in the future the Tribe receives authority to administer the NPDES program and assumes jurisdiction over the permit; at which time, the Director/Chairman of the Tribal program receiving authorization becomes the issuing authority.

2. Act

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92500, as amended, 33 U.S.C. 1251 et seq.

3. Mass/Day Measurements

- a. The "30-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period. It is, therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the consecutive 30 day period and then dividing this sum by the number of days the tests were reported. The limitation is identified as "Daily Average" or "30-day Average" in Part I of the permit and the average monthly discharge value is reported in the "Average" Column under "Quantity" on the Discharge Monitoring Report (DMR).
- b. The "7-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the consecutive 7 day period and then dividing this sum by the number of days the tests were reported. This limitation is identified as "7-day Average" in Part I of the permit and the highest average weekly discharge value is reported in the "Maximum" column under "Quantity" on the DMR.
- c. The "maximum daily average" is the total mass (weight) of a pollutant discharge during a calendar day. If only one sample is taken during any calendar day, the weight of pollutant calculated from it is the "maximum daily discharge". This limitation is identified as "Daily Maximum", in Part I of the permit and one highest such value recorded during the reporting period is reported in the "Maximum" column under "Quantity" on the DMR.
- d. The "average annual discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar year on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such year. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the year and then dividing the sum by number of days the test was reported. This limitation is defined as "Annual Average" in Part I of the permit and the average annual discharge value is reported in the "Average" column under "Quantity" on the DMR. The DMR for this report shall be submitted in January for the previous reporting calendar year.

4. Concentration Measurements

- a. The "30-day average concentration", other than for E. coli bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during a calendar day. The 30-day average count for E. coli bacteria is the

geometric mean of the counts for samples collected during a consecutive 30 day period. This limitation is identified as "30-day Average" or "Daily Average" in Part I of the permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the DMR.

- b. The "7-day average concentration", other than for E. coli bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration value). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The 7-day average count for E. coli bacteria is the geometric mean of the counts for samples collected during a consecutive 7 day period. This limitation is identified as "7-day Average" in Part I of the permit and the highest 7-day average concentration value is reported under the "Maximum" column under "Quality" on the DMR.
- c. The "maximum daily concentration" is the concentration of a pollutant discharge during a calendar day. It is identified as "Daily Maximum" in Part I of the permit and the highest such value recorded during the reporting period is reported under the "Maximum" column under "Quality" on the DMR.
- d. The "average annual concentration", other than for E. coli bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar year on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such year (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. The average yearly count for E. coli bacteria is the geometric mean of the counts for samples collected during a calendar year. This limitation is identified as "Annual Average" in Part I of the permit and the average annual concentration value is reported under the "Average" column under "Quality" on the DMR. The DMR for this report shall be submitted in January for the previous reporting year.

## 5. Other Measurements

- a. The effluent flow expressed as M<sup>3</sup>/day (MGD) is the 24-hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in Part I of the permit the flow rate values are reported in the "Average" column under "Quantity" on the DMR.
- b. An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
- c. Where monitoring requirements for pH, dissolved oxygen or E. coli bacteria are specified in Part I of the permit, the values are generally reported in the "Quality of Concentration" column on the DMR.

## 6. Types of Samples

- a. Composite Sample: A "composite sample" is a combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over the full time period specified in Part I.A. The composite sample must be flow proportioned by either time interval between each aliquot or by volume as it relates to effluent flow at the

time of sampling of total flow since collection of the previous aliquot. Aliquots may be collected manually or automatically.

b. Grab Sample: A "grab sample" is a single influent or effluent portion of at least 100 ml which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the total discharge.

7. Calculation of Means

a. Arithmetic Mean: The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

b. Geometric Mean: The geometric mean of any set of values is the  $N^{\text{th}}$  root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

c. Weighted by Flow Value: Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

8. Calendar Day

A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

9. Hazardous Substance

A hazardous substance means any substances designed under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

10. Toxic Pollutant

A toxic pollutant is any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

11. Significant Industrial User

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

12. Chief of the Permits Branch

The Chief of the Permits Branch of EPA Region 5 is located at the EPA, Region 5 Office, Permits Branch, WP-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone: 312-886-2446.

13. Acute Toxic Unit

Acute toxic unit ( $TU_a$ ) means  $100/LC_{50}$  where the  $LC_{50}$  is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

14. Bioaccumulative Chemical of Concern

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF).

15. Biosolids

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

16. Bulk Biosolids

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

17. Chronic Toxic Unit

Chronic toxic unit ( $TU_c$ ) means  $100/MATC$  or  $100/IC_{25}$ , where the maximum acceptable toxicant concentration (MATC) and  $IC_{25}$  are expressed as a percent effluent in the test medium.

18. Class B Biosolids

Class B Biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with 40 CFR Part 503. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

19. Detection Level

Detection Level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

20.  $EC_{50}$

$EC_{50}$  means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.



21. IC<sub>25</sub>

IC<sub>25</sub> means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

22. Interference

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore, is a cause of a violation of any requirement of the POTW's discharge permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference.]

23. Land Application

Land Application means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.

24. LC<sub>50</sub>

LC<sub>50</sub> means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

25. Maximum Acceptable Toxicant Concentration

Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

26. Monthly Frequency of Analysis

Monthly frequency of analysis refers to a calendar month. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

27. NOAEL

NOAEL means the highest tested dose or concentration of a substance that result in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

28. Noncontact Cooling Water

Noncontact Cooling Water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

29. Nondomestic user

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

30. Pretreatment

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

31. POTW

POTW is a publicly owned treatment works.

32. Quantification Level

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

33. Significant Materials

Significant Materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

34. Weekly Frequency of Analysis

Weekly frequency of analysis refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Preventing Pollution is the Best Solution

The Environmental Protection Agency encourages you to consider pollution prevention alternatives. In some cases pollution prevention may allow you to avoid the need to discharge pollutants which would otherwise require permit limitations -- or even avoid the need for permits altogether! Pollution prevention can:

- Save Money
- Reduce Waste
- Aid Permit Compliance
- Protect Our Environment
- Improve Corporate Image
- Reduce Liability

EPA is helping industries save money, reduce waste and protect our environment through pollution prevention. EPA staff can provide pollution prevention assistance through telephone consultations, technical workshops and seminars, and informational publications. They can also put you directly in touch with local support networks and national pollution prevention resources.