

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act (CWA), 33 USC §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

**Department of the Army - Yakima Training Center  
970 Fire Center Road, Building 810  
Yakima, WA 98901-9399**

is authorized to discharge from the Yakima Training Center located in Yakima, WA at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Yakima River	46.679194° N	120.491056° W

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

This permit shall become effective January 1, 2022

This permit and the authorization to discharge shall expire at midnight, December 31, 2026.

The permittee shall reapply for a permit reissuance on or before July 4, 2026, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

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Mathew J. Martinson  
CAPT, USPHS  
Branch Chief  
Permits, Drinking Water, and Infrastructure

**Schedule of Submissions**

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

Item	Due Date
Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 20th of the month following the monitoring period. (see Permit Part III.B.)
Quality Assurance Plan (QAP)	The permittee must provide EPA and Washington Department of Ecology (Ecology) with written notification that the Plan has been developed and implemented within 90 days after the effective date of the final permit (see Permit Part II.B.). The Plan must be kept on site and made available to EPA and Ecology upon request.
Operation and Maintenance (O&M) Plan	The permittee must provide EPA and Ecology with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see Permit Part II.A.). The Plan must be kept on site and made available to EPA and Ecology upon request.
NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see Permit Part V.B.).
Surface Water Monitoring Report (SWMRP)	The Report must be submitted with the DMR (see Permit Part I.C.).
Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances (see Permit Parts III.G. and I.B.5.).

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**I. LIMITATIONS AND MONITORING REQUIREMENTS**

**A. Discharge Authorization**

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to the Yakima River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

**B. Effluent Limitations and Monitoring**

1. The permittee must limit and monitor discharges from Outfall 001 as specified in the Table below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

**Table 1: Effluent Limitations and Monitoring Requirements**

Parameter	Units	Effluent Limitations			Monitoring Requirements		
		Average Monthly	Average Weekly	Maximum Daily	Sample Location	Sample Frequency	Sample Type
Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	30	45	--	Influent and Effluent	1/week	24-hour composite <sup>1</sup>
	lbs/day	180	270	--			Calculation <sup>2</sup>
BOD <sub>5</sub> Percent Removal	%	85 (minimum)	--	--	--	1/month	Calculation <sup>3</sup>
Total Suspended Solids (TSS)	mg/L	30	45	--	Influent and Effluent	1/week	24-hour composite <sup>1</sup>
	lbs/day	180	270	--			Calculation <sup>2</sup>
TSS Percent Removal	%	85 (minimum)	--	--	--	1/month	Calculation <sup>3</sup>
<i>E. coli</i> <sup>4</sup>	CFU/100 ml	100 (geomean)	--	320 (instant. max)	Effluent	1/week	Grab
pH	std units	Between 6.5 – 8.5 <sup>5</sup>			Effluent	1/day	Grab
Total Ammonia (as N)	mg /L	Report	--	Report	Effluent	1/week	Grab
	lbs/day	Report	--	Report			Calculation <sup>2</sup>
Total Phosphorus (as P)	mg /L	Report	--	Report	Effluent	1/quarter <sup>6</sup>	Grab
	lbs/day	Report	--	Report			Calculation <sup>2</sup>

Parameter	Units	Effluent Limitations			Monitoring Requirements		
		Average Monthly	Average Weekly	Maximum Daily	Sample Location	Sample Frequency	Sample Type
Floating, Suspended, or Submerged Matter	--	See Permit Part I.B.2.				1/month	Visual Observation
Dissolved Oxygen	mg/L	Report Minimum and Average			Influent and Effluent	1/month	Grab
Total Kjeldahl Nitrogen (as N)	mg/L	Report	--	Report	Effluent	1/quarter <sup>6</sup>	24-hour composite <sup>1</sup>
Orthophosphate (as P)	mg/L	Report	--	Report	Effluent	1/quarter <sup>6</sup>	24-hour composite <sup>1</sup>
Nitrate + Nitrite	mg/L	Report	--	Report	Effluent	1/quarter <sup>6</sup>	24-hour composite <sup>1</sup>
Flow	mgd	Report	--	Report	Effluent	continuous	Meter
Temperature	°C	--	Report	Report	Effluent	1/week	Grab
Effluent Testing for Permit Renewal							
Oil and Grease	mg/L	--	Report	Report	Effluent	1/year <sup>7</sup>	Grab
Total Dissolved Solids	mg/L	--	Report	Report	Effluent	1/year <sup>7</sup>	24-hour composite <sup>1</sup>
Notes							
<ol style="list-style-type: none"> <li>The composite sample must be time proportionate. See Permit Part VI.</li> <li>Loading (in lbs/day) is calculated by multiplying the concentration (in mg/L) by the corresponding flow (in mgd) for the day of sampling and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the <i>NPDES Self-Monitoring System User Guide</i> (EPA 833-B-85-100, March 1985).</li> <li>Percent Removal. The monthly average percent removal must be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month using the following equation:</li> <li>The average monthly <i>E. coli</i> bacteria counts must not exceed a geometric mean equal to the effluent limit based on a minimum of five samples taken every 3 - 7 days within a calendar month. See Permit Part VI. for a definition of geometric mean.</li> <li>Reporting is required within 24 hours of a maximum daily limit or instantaneous maximum limit violation. See Permit Parts I.B.2. and III.G.</li> <li>For quarterly monitoring frequency, quarters are defined as: January 1 to March 31; April 1 to June 30; July 1 to September 30; and, October 1 to December 31.</li> <li>Testing must be conducted annually during alternating quarters. Quarters are defined as: January 1 to March 31; April 1 to June 30; July 1 to September 30; and, October 1 to December 31. The Permittee must use sufficiently sensitive analytical methods in accordance with Permit Part I.B.5</li> </ol>							

2. Narrative limitations for floating, suspended or submerged matter:

- The permittee must not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance

or objectionable conditions or that may impair designated beneficial uses.

- b. The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA or Ecology upon request.
3. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: pH. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See Permit Parts III.B. *Reporting of Monitoring Results* and III.G. *Twenty-four Hour Notice of Noncompliance Reporting* of this permit).
4. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
5. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
  - a. Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in the Table in Permit Part I.B.1.
  - b. Parameters that do not have effluent limitations.
    - i. The permittee must use a method that detects and quantifies the level of the pollutant, or
    - ii. The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A;
  - c. For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.
  - d. See also Permit Part III.C *Monitoring Procedures*
6. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."
7. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If a value is equal to or greater than the ML, the permittee must report

and use the actual value. The resulting average value must be compared to the compliance level in assessing compliance.

**C. Surface Water Monitoring Report (SWMR)**

The permittee must conduct surface water monitoring. Surface water monitoring must start on July 1, 2022 and must continue for the life of the permit. The program must meet the following requirements:

1. Monitoring stations must be established in the Yakima River at the following locations:
  - a. Above the influence of the facility’s discharge, and
  - b. Below the facility’s discharge, at a point where the effluent and the Yakima River are completely mixed.
2. The permittee must seek approval of the surface water monitoring stations from Ecology.
3. A failure to obtain Ecology approval of surface water monitoring stations does not relieve the permittee of the surface water monitoring requirements of this permit.
4. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.
5. The flow rate must be measured as near as practicable to the time that other ambient parameters are sampled.
6. Samples must be analyzed for the parameters listed in the Table below.
7. For all surface water monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
  - a. The method must detect and quantify the level of the pollutant, or
  - b. The permittee must use a method that can achieve MLs less than or equal to those specified in Appendix A. The permittee may request different MLs. The request must be in writing and must be approved by EPA.

**Table 2: Surface Water Monitoring Requirements**

Parameter	Units	Frequency	Sample Type
Dissolved Oxygen	mg/L	Monthly	Grab
Total Ammonia as N	mg/L	Monthly	Grab
Temperature	°C	Weekly	Grab
pH	standard units	Weekly	Grab
Notes: For quarterly monitoring frequency, quarters are defined as: January 1 to March 31; April 1 to June 30; July 1 to September 30; and, October 1 to December 31.			

8. Quality assurance/quality control (QA/QC) plans for all the monitoring must be documented in the Quality Assurance Plan required under Permit Part II.B.
9. Submission of SW Monitoring  
Surface water monitoring results must be reported on the monthly DMR.

## II. SPECIAL CONDITIONS

### A. Operation and Maintenance Plan

In addition to the requirements specified in Permit Part IV.E., *Proper Operation and Maintenance*, the permittee must develop and implement an Operations and Maintenance (O&M) Plan for the wastewater treatment facility. Any existing O&M Plan may be modified for compliance with this section. Any changes occurring in the operation of the plant must be reflected within the O&M Plan.

Within 180 days of the effective date of this permit, the permittee must submit written notice to EPA and Ecology that the O&M Plan has been developed and implemented.

The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0021962\_O&M\_50108, where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or Ecology upon request.

### B. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAPs may be modified for compliance with this section.

Within 90 days of the effective date of this permit, the permittee must submit written notice to EPA and Ecology that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:

YYYY\_MM\_DD\_WA0021962\_QAP\_55099, where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or Ecology upon request.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *EPA Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans*

(EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.

3. At a minimum, the QAP must include the following:
  - a. Details on the number of samples, sample collection procedures, type of sample containers, preservation of samples, holding times, analytical methods, procedures for on-site measurements and/or laboratory analysis (including calibration), analytical detection, quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, chain of custody procedures, and laboratory data delivery requirements. Sample containers, preservation techniques and maximum holding times must adhere to the requirements in 40 CFR 136 and in accordance with the approved test methods.
  - b. Map(s) indicating the location of each sampling point.
  - c. Qualification and training of personnel and maintenance of the training records.
  - d. Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be retained on site and made available to EPA and/or Ecology upon request.

### **III. MONITORING, RECORDING AND REPORTING REQUIREMENTS**

#### **A. Representative Sampling (Routine and Non-Routine Discharges)**

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample.

The permittee must analyze the additional samples for those parameters limited in Permit Part I.B. that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with Permit Part III.C., *Monitoring Procedures*. The permittee must report all additional monitoring in accordance with Permit Part III.D., *Additional Monitoring by Permittee*.

#### **B. Reporting of Monitoring Results**

The permittee must submit monitoring data and other reports electronically using NetDMR.

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Permit Part V.E., *Signatory Requirements*.
3. The permittee must submit copies of the DMRs and other reports to Ecology.
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee must submit all reports to EPA and Ecology as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0021962\_Report Type Name\_Identifying Code, where YYYY\_MM\_DD is the date that the permittee submits the attachment.
5. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from: <https://npdes-ereporting.epa.gov/net-netdmr>

### **C. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

### **D. Additional Monitoring by 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 permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

### **E. Records Contents**

Records of monitoring information must include:

1. the date, exact place, and time of sampling and measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) and time analyses were performed;
4. the names of the individual(s) who performed the analyses;

5. the analytical techniques or methods used; and
6. the results of such analyses.

**F. Retention of Records**

The permittee must 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, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or Ecology at any time.

**G. Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
  - a. any noncompliance that may endanger health or the environment; or
  - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Permit Part IV.F., *Bypass of Treatment Facilities*); or
  - c. any upset that exceeds any effluent limitation in the permit (See Permit Part IV.G., *Upset Conditions*); or
  - d. any violation of a maximum daily discharge limitation for applicable pollutants identified in Permit Part I.B.3.; or
  - e. any overflow prior to the treatment works over which the permittee has ownership or has operational control. An overflow is any spill, release or diversion of municipal sewage including:
    - i. an overflow that results in a discharge to waters of the United States; and
    - ii. an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral) that does not reach waters of the United States.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under Paragraph 1 above. The written submission must contain:
  - a. a description of the noncompliance and its cause;
  - b. the period of noncompliance, including exact dates and times;
  - c. the estimated time noncompliance is expected to continue if it has not been corrected; and

- d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- e. if the noncompliance involves an overflow, the written submission must contain:
  - i. The location of the overflow;
  - ii. The receiving water (if there is one);
  - iii. An estimate of the volume of the overflow;
  - iv. A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
  - v. The estimated date and time when the overflow began and stopped or will be stopped;
  - vi. The cause or suspected cause of the overflow;
  - vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
  - viii. An estimate of the number of persons who came into contact with wastewater from the overflow; and
  - ix. Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.
3. The Director of the Enforcement and Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted in paper form or through netDMR. The permittee must sign and certify the report in accordance with the requirements of Permit Part V.E., *Signatory Requirements*. If submitted in paper form, the legible originals of these documents must be submitted to the Director, Enforcement and Compliance Assurance Division, with copies to Ecology at the following addresses:

U.S. EPA Region 10  
Attn: Data Manager  
1200 Sixth Avenue, Suite 155, 20-C04  
Seattle, Washington 98101

Washington Department of Ecology Water Quality Program Technical  
Permit Policy Lead  
PO Box 47600  
Olympia, WA 98504

## H. Other Noncompliance Reporting

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Permit Part III.B., *Reporting of Monitoring Results* are submitted. The reports must contain the information listed in Permit Part III.G.2.

**I. Notice of New Introduction of Toxic Pollutants**

The permittee must notify the Director of the Water Division and Ecology in writing of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA §§ 301 or 306 if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
  - a. The quality and quantity of effluent to be introduced into the POTW, and
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
4. The permittee must notify the Director of the Water Division at the following address:

U.S. EPA Region 10  
Attn: NPDES Permitting Section Manager  
1200 Sixth Avenue, Suite 155, 19-C04  
Seattle, WA 98101

**J. Compliance Schedules**

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

**IV. COMPLIANCE RESPONSIBILITIES**

**A. Duty to Comply**

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

**B. Penalties for Violations of Permit Conditions**

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement

imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$55,800 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$22,320 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$55,800). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$22,320 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$278,995).
3. Criminal Penalties:
  - a. Negligent Violations. The Act provides that any person who negligently violates CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any of such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
  - b. Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
  - c. Knowing Endangerment. Any person who knowingly violates CWA §§301, 302, 303, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued

under CWA § 402, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in CWA § 309(c)(3)(B)(iii) shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

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

**C. Need to Halt or Reduce Activity not a Defense**

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

**D. Duty to Mitigate**

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

## **E. Proper Operation and Maintenance**

The permittee must 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 the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

## **F. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs 2 and 3 of this Part.
2. Notice.
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
  - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Permit Part III.G., *Twenty-four Hour Notice of Noncompliance Reporting*.
3. Prohibition of bypass.
  - a. Bypass is prohibited, and the Director of the Enforcement and Compliance Assurance Division may take enforcement action against the permittee for a bypass, unless:
    - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
    - iii. The permittee submitted notices as required under Paragraph 2 of this Part.
  - b. The Director of the Enforcement and Compliance Assurance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Paragraph 3.a. of this Part.

## **G. Upset Conditions**

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of Paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under Permit Part III.G., *Twenty-four Hour Notice of Noncompliance Reporting* and
  - d. The permittee complied with any remedial measures required under Permit Part IV.D., *Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **H. Toxic Pollutants**

The permittee must comply with effluent standards or prohibitions established under CWA § 307(a) and with standards for sewage sludge use or disposal established under CWA § 405(d) for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

## **I. Planned Changes**

The permittee must give written notice to the Director of the Water Division at the address specified in Permit Part III.J.4. and Ecology as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration,

addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

**J. Anticipated Noncompliance**

The permittee must give written advance notice to the Director of the Enforcement and Compliance Assurance Division and Ecology of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

**K. Reopener**

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under CWA § 405(d). The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

**V. GENERAL PROVISIONS**

**A. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**B. Duty to Reapply**

If the permittee intends 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. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

**C. Duty to Provide Information**

The permittee must furnish to EPA and Ecology, within the time specified in the request, any information that EPA or Ecology 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 must also furnish to EPA or Ecology, upon request, copies of records required to be kept by this permit.

**D. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a

permit application or any report to EPA or Ecology, it must promptly submit the omitted facts or corrected information in writing.

#### **E. Signatory Requirements**

All applications, reports or information submitted to EPA and Ecology must be signed and certified as follows.

1. All permit applications must be signed as follows:
  - a. For a corporation: by a responsible corporate officer.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
  - c. For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above;
  - b. 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; and
  - c. The written authorization is submitted to the Director of the Enforcement and Compliance Assurance Division and Ecology.
3. Changes to authorization. If an authorization under Paragraph 2 of this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Paragraph 2 of this Part must be submitted to the Director of Enforcement and Compliance Assurance Division and Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must 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.”

#### **F. Availability of Reports**

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

#### **G. Inspection and Entry**

The permittee must allow the Director of the Enforcement and Compliance Assurance Division, EPA Region 10; Ecology; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

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

#### **H. 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 persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

#### **I. Transfers**

This permit is not transferable to any person except after written notice to the Director of the Water Division at the address specified in Permit Part III.J.4. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR

122.61; in some cases, modification or revocation and reissuance is mandatory).

#### **J. State Laws**

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

#### **VI. DEFINITIONS**

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Approval Authority" means the Administrator of the EPA, or an authorized representative.
4. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
5. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Composite" - see "24-hour composite".
8. "CWA" means Clean Water Act
9. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
10. "Director of the Enforcement and Compliance Assurance Division" means the Director of the Enforcement and Compliance Assurance Division, EPA Region 10, or an authorized representative.
11. "Director of the Water Division" means the Director of the Water Division, EPA Region 10, or an authorized representative.
12. "DMR" means discharge monitoring report.
13. "Ecology" means the Washington Department of Ecology.
14. "EPA" means the United States Environmental Protection Agency.
15. "Geometric Mean" means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
16. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.

17. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
18. "Method Detection Limit (MDL)" means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
19. "Minimum Level (ML)" means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
20. "National Pollutant Discharge Elimination System (NPDES)" means, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under CWA §§ 307, 402, 318, and 405.
21. "QA/QC" means quality assurance/quality control.
22. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
23. "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.
24. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
25. "24-hour composite" sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24-hour period. The composite must be time proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

**Appendix A: Minimum Levels**

The Table below lists the maximum Minimum Level (ML) for pollutants not subject to concentration effluent limits in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If the Permittee is unable to obtain the required ML in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a ML to EPA with appropriate laboratory documentation.

Pollutant & CAS No. (if available)	ML, µg/L unless specified
Biochemical oxygen demand	2 mg/L
Dissolved oxygen	+/- 0.2 mg/L
Nitrate + nitrite nitrogen (as N)	100
Nitrogen, total Kjeldahl (as N) (7727-37-9)	300
Oil and grease (HEM) (hexane extractable material)	5,000
pH	N/A
Phosphorus, total (as P)	10
Temperature	+/- 0.2°C
Total ammonia (as N) (7664-41-7)	50
Total dissolved solids	20 mg/L
Total suspended solids	5 mg/L