

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Omaha Tribe of Nebraska
Macy, Thurston County, Nebraska
NPDES Permit No. NE0061263

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251, et.seq.; the "Act"), authorization is given to:

Omaha Tribe of Nebraska
101 Main Street, P.O. Box 400
Macy, Nebraska 68039

to discharge from a three-cell wastewater lagoon treatment facility located at:

Macy Wastewater Treatment Facility
About 1.7 miles east of Macy
In Thurston County, Nebraska
Latitude (LAT) = 42° 06' 35.9" N
Longitude (LONG) = 096° 19' 18.2" W
Standard Industrial Code (SIC2) = 4952

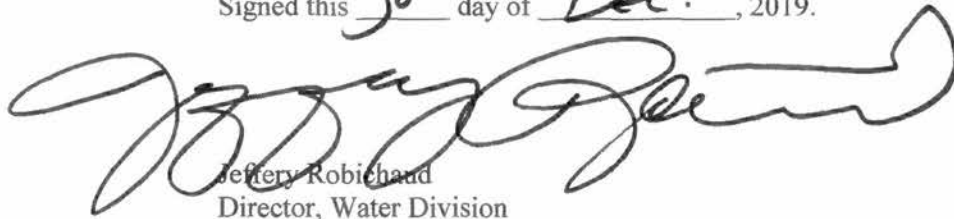
to receiving waters named: Blackbird Creek

in accordance with the discharge points, effluent limitations, monitoring requirements, and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in this permit.

This permit shall become effective on: December 30, 2019

This permit and the authorization to discharge shall expire at midnight, December 31, 2024

Signed this 30th day of Dec., 2019.



Jeffery Robichaud
Director, Water Division

A. FACILITY DESCRIPTION

The wastewater treatment facility (the Facility) is located adjacent to Blackbird Creek approximately 1.7 miles east of the Village of Macy. The Facility and the permitted discharge point are within the exterior boundaries of the Omaha Tribe of Nebraska Reservation in the northeastern part of Nebraska.

The Facility is a three-cell, controlled discharge lagoon system which treats domestic wastewater from a community population of approximately 1200. Sanitary wastewater generated is collected and flows by gravity to a lift station located in the southern part of the Village and east of the intersection of Elk Street and Missouri Street.

The three lagoon cells are operated in series with a controlled discharge to Blackbird Creek. The surface areas of the three cells, Cell No. 1, Cell No. 2, and Cell No. 3, are 17 acres, 8.54 acres, and 8.54 acres, respectively. The total volume is estimated at 179 acre-feet. The design flow into the lagoon system is 220,000 gallons per day (0.220 MGD) with a design holding time of 180 days prior to discharge.

B. DESCRIPTION OF DISCHARGE POINT

The authorization to discharge provided under this permit is limited to the outfall specifically designated below as the discharge location. Discharge at any location not authorized under an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such a discharge to penalties under Section 309 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person(s) to criminal penalties as provided under the Clean Water Act.

Outfall Serial Number

001

Description of Discharge Point

Discharge is authorized from Cell No. 3 through Outfall 001 to Blackbird Creek

C. SPECIFIC EFFLUENT LIMITATIONS AND SELF-MONITORING REQUIREMENTS

The Permittee is authorized to discharge from Outfall 001 as specified in this permit. The effluent limitations below shall be met on the effective date of this permit.

Effluent Limits and Monitoring Requirements

1. Discharges authorized under this permit:
 - a. Shall not be toxic or harmful to human, animal, plant, or aquatic life; and
 - b. Shall be free from pollutants which cause noxious odors; floating, suspended, colloidal, or settleable materials that produce objectionable films, colors, turbidity, or deposits; and the occurrence of undesirable or nuisance aquatic life.
2. This permit allows discharge at any time with specified limitations for spring, summer, and winter seasons. EPA recommends a scheduled discharge in **NOVEMBER**. The month of November is outside of the recreational season, avoiding the potential for human exposure. At this time of year, the wastewater has been stored through the warm summer months, so treatment has been maximized. Cooling temperatures in the receiving stream allows higher ammonia limits.

If a second annual discharge is needed, **APRIL** is the next best option. While treatment is not as good through the winter months, April avoids the recreational season, and spring ammonia limits apply.

3. The Permittee shall submit Discharge Monitoring Reports (DMRs) annually to EPA as required under Attachment A - Standard Condition D.4. of this permit. The initial reporting period shall begin on the effective date of this permit. Monitoring reports shall be submitted on or before the 28th day of January. In the event no discharge occurs during the year, written notification is still required and will consist of an entry of "NO DISCHARGE DURING THIS REPORTING PERIOD" on the DMR. Influent monitoring and reporting requirements for the Facility identified in Table 2 remain in effect during non-discharging periods.

The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requires electronic reporting of NPDES information rather than the previously required paper-based reports from the permitted facilities. To comply with the Federal rule, Permittees will be required to submit DMRs electronically using the EPA NetDMR tool (Appendix A of 40 CFR Part 127). Permittees may seek an electronic reporting waiver by submitting a letter to EPA Region 7 with a brief written statement regarding the basis for needing such a temporary waiver. The EPA Region 7 will either approve or deny this electronic reporting waiver request. The duration of a temporary waiver may not exceed 5 years, which is the normal period for a NPDES permit term. The Permittee must re-apply for a new temporary waiver. Permittees with an approved reporting waiver request may submit monitoring data and reports on paper to EPA Region 7 for the period that the approved reporting waiver request is effective.

4. The Permittee shall control vegetation in and around the lagoon system at the Facility as needed to preserve the integrity of the cells and prevent the lagoon system itself from being compromised; this will also allow the lagoon system to function properly as designed.
5. The Permittee shall comply with the effluent limitations and monitoring requirements in Table 1 and the influent monitoring requirements in Table 2, below.
6. All sample collection and analysis under this permit shall be consistent with methods approved under 40 CFR Part 136.
7. A copy of the laboratory analysis reports shall be retained by the Permittee for review by EPA.

TABLE 1
EFFLUENT POLLUTANT PARAMETERS AND MONITORING FREQUENCY

Effluent Parameters	Parameter Code	Discharge Limits	Monitoring Frequency	Sample Type
Effluent Flow	50050	Monitor and Report Flow in Million Gallons per Day (MGD)	<i>Daily while discharging</i>	Measured or Calculated
Total Flow	82220	Monitor and Report Million Gallons per Month (MGM)	<i>Each Drawdown Event</i>	Measured or Calculated
Duration of Discharge	81381	Total Days of Drawdown Event	<i>Each Drawdown Event</i>	Measured or Calculated
pH	00400	6.5 - 9.0 Standard Units	(c)	Grab
Temperature	00011	Monitor and Report - ° F	(c)	Grab
Dissolved Oxygen	00300	Minimum - 5.0 mg/L	(c)	Grab
5-Day Biochemical Oxygen Demand (BOD ₅)	00310	Monthly Average - 30 mg/L Weekly Average - 45 mg/L	(c)	Grab
Total Suspended Solids (TSS)	00530	Monthly Average - 80 mg/L Weekly Average - 120 mg/L	(c)	Grab
<i>E. coli</i> Bacteria ^(a) (May 1 - September 30)	51041	Monthly Geometric Mean - 126 cfu/100 mL Single Sample Maximum - 298 cfu/100 mL	(c)	Grab
Ammonia, Total as N (March 1 - May 31)	00610	Daily Maximum - 10.81 mg/L Monthly Average - 5.39 mg/L	(c)	Grab
Ammonia, Total as N (June 1 - October 31)	00610	Daily Maximum - 3.52 mg/L Monthly Average - 1.76 mg/L	(c)	Grab
Ammonia, Total as N (Nov. 1 - Feb. 28[29])	00610	Daily Maximum - 29.83 mg/L Monthly Average - 14.87 mg/L	(c)	Grab
BOD ₅ Percent Removal	81010	Monthly Average - Minimum of 85% removal	<i>Each Drawdown Event</i>	Calculation (b)
Nitrogen, Total as N ^(d)	00600	Monitor and Report - mg/L	<i>Annually</i> ^(d)	Grab
Phosphorus, Total as N ^(d)	00665	Monitor and Report - mg/L	<i>Annually</i> ^(d)	Grab

Footnotes:

- (a) *E. coli* Bacteria is measured in number of colony forming units per 100 mL (cfu/100 mL). The Monthly Average Limit for *E. coli* is expressed as a geometric mean. Geometric mean for n samples = $(X_1 * X_2 * X_3 \dots * X_n)^{(1/n)}$.
- (b) The Permittee shall use the results of influent and effluent monitoring for BOD₅ to calculate and report percent (%) removal. This information shall be calculated and reported for each period of discharge from the lagoon system.
 Percent Removal = $\frac{(\text{Influent BOD}_5 \text{ Concentration}) - (\text{Effluent BOD}_5 \text{ Concentration})}{\text{Influent BOD}_5 \text{ Concentration}}$
- (c) At a minimum, two (2) samples must be taken during a discharge. One sample must be taken on the first day of the drawdown. The second sample must be taken during the last week of the drawdown. Additionally, if the drawdown exceeds 30 days, sampling must be performed after the 30th day and once every month thereafter.
- (d) The sample shall be taken during the drawdown event; this monitoring will be considered as the annual effluent monitoring.

**TABLE 2
 INFLUENT MONITORING**

Influent Parameters	Parameter Code	Measurement Units	Monitoring Frequency	Sample Type
Influent Flow	50050	Monitor and Report - Average Flow in Million Gallons per Day (MGD)	<i>Monthly</i>	Measured or Calculated
pH	00400	Monitor and Report - S.U.	<i>Annually^(a)</i>	Grab
5-Day Biochemical Oxygen Demand (BOD ₅)	00310	Monitor and Report - mg/L	<i>Annually^(a)</i>	Grab
Total Suspended Solids (TSS)	00530	Monitor and Report - mg/L	<i>Annually^(a)</i>	Grab

Footnote:

(a) Sampling for BOD₅, TSS, and pH shall be performed once a year as a minimum. When a drawdown is scheduled, the influent shall be monitored during the drawdown event. This monitoring will be considered as the annual influent monitoring.

D. SUPPLEMENTAL CONDITIONS

1. Facility Maintenance

The Permittee shall maintain the wastewater treatment facility and related appurtenances in proper operating condition, and shall be operated in a manner to meet the permit requirements and not result in a prohibited bypass or an unauthorized discharge.

The Permittee shall maintain the lagoon system to ensure the integrity of the lagoons cells and the site around the Facility in a manner that will allow adequate inspection and oversight of the Facility. Maintenance activities to facilitate adequate inspection and oversight shall include, but not be limited to, regular mowing of the area around the lagoon system and the grassed dikes to prevent growth of trees or woody plants; prompt removal of cattails, reeds, and other emergent vegetation from the lagoon cells as they appear; quarterly measurement of the freeboard and wastewater depth for each lagoon cell; and monthly walk around and visual inspection of each lagoon cell for breaches, animal activity, or any conditions that may create damage to the lagoon dikes. Damage to lagoon dikes caused by muskrats or other rodents, erosion, tree roots, animal hooves, or any other source shall be promptly repaired. All maintenance activities required to maintain the lagoon system shall be entered into a log book and retained as a record in accordance with the Standard Conditions of this permit.

2. Calibration of Lift Station Equipment

The lift station including pumps and control systems shall be operated as efficiently as possible and maintained in good working order. The pumps discharge rates and flow measurement devices shall be calibrated according to manufacturer's specifications, and shall be performed at least once a year. All calibration data shall be entered into a log book and retained in accordance with the Standard Conditions of this permit.

3. Sewage Sludge Handling and Disposal Requirements

The following provisions apply if the Permittee disposes of sludge from this Facility.

- a. The Permittee shall develop and submit to EPA for review a Sludge Management Plan (SMP) 180 days prior to any planned disposal or application of sludge. After review, EPA may require modification of the SMP.

- b. The Permittee shall dispose of sludge generated at its wastewater treatment facility in accordance with 40 CFR Part 503 and the SMP.
- c. The Permittee shall give notice to EPA prior to any change in the Permittee's sludge reuse/transport/disposal practices and/or the SMP.
- d. For sludge that is transported to an off-site location for disposal, the Permittee shall maintain a record of the name and address of the transporter as well as the disposal location.
- e. Copies of all reports pursuant to 40 CFR 503 regulations and the Permittee's SMP shall be retained by the Permittee for review by EPA.

E. STANDARD CONDITIONS

In addition to the Effluent Limitations and Monitoring Requirements, Influent Monitoring, and the Supplemental Conditions specified in this permit, the Permittee shall comply with the Standard Conditions incorporated into this permit as Attachment A.

ATTACHMENT A - STANDARD CONDITIONS

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

2. Toxic Pollutants and Sewage Sludge

The Permittee shall comply with effluent standards or prohibitions established under the CWA Section 307(a), 33 U.S.C. § 1317(a), for toxic pollutants and with standards for sewage sludge use or disposal established under the CWA Section 405(d), 33 U.S.C. § 1345(d), within the time provided in the regulations that establish those standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

3. Penalties for Violations of Permit Conditions

The Act provides that any person who violates Sections 301, 302, 306, 307, 308 or 405 of the Act, or any permit condition or limitation implementing such Sections in a permit issued under Section 402 of the Act, is subject to civil monetary penalties not to exceed \$37,500 per day, as modified, from time-to-time under 40 CFR Part 19 - Adjustment of Civil Monetary Penalties for Inflation for each violation under Section 309 of the Act. Any person who willfully or negligently violates Sections 301, 302, 306, 307, or 308 of the Act, or any permit condition or limitation implementing such Sections, may be subject to a fine or imprisonment pursuant to Section 309(c) of the Act. Except as provided in subsections B.3., Bypass of Treatment Facilities, and B.4., Upset, nothing in this permit shall be construed to relieve the Permittee of civil or criminal liability for noncompliance.

4. Duty to Reapply

- a. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The Permittee shall submit a new application to the U.S. Environmental Protection Agency, Region 7, at least 180 days before the expiration date of this permit.
- b. The terms and conditions of this permit continue in force under 5 U.S.C. § 558 (c) until the effective date of the new permit (or permit denial) only if the Permittee has submitted a timely and complete application under 40 CFR § 122.21 for a renewal permit and the Permitting Authority, through no fault of the Permittee, does not issue a new permit (or deny the permit) before the expiration date of this permit. The permit continued under 5 U.S.C. § 558(c) remains fully effective and enforceable, subject to the actions set forth in 40 CFR § 122.6(c).

5. Duty to Mitigate

The Permittee shall 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.

6. Permit Actions (Modifications, Revocation and Reissuance, or Termination)

- a. This permit may be modified, revoked and reissued, or terminated for causes (as described in 40 CFR §§ 122.62, 122.63, and 122.64), including, but not limited to: violation of any terms or

conditions of this permit; obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. 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.

- b. Notwithstanding subsection 6.a. of this section:
 - i) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under the CWA Section 307(a) for a toxic pollutant that is present in the discharge and such standard or prohibition is more stringent than any other limitation for such pollutant in this permit, this permit may be modified or revoked and reissued to conform to the toxic effluent standards or prohibition; and
 - ii) If more stringent water quality standards become effective pursuant to CWA Section 303(c), 33 U.S.C. § 1313 (c), than the water quality standards in effect upon issuance of this permit, this permit may be modified or revoked and reissued to conform with such new water quality standards.

7. Effect of Permit/Other Laws

- a. 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, or any infringement of federal, state, or local laws or regulations.
- b. 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 federal law or regulation under authority preserved by the CWA Section 510.
- c. 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 to under the CWA Section 311 or the Comprehensive Environmental Responses, Compensation and Liability Act (CERCLA) of 1998 Section 106.
- d. Except as provided in permit conditions on Upset, subsection B.4., herein, nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance with a permit condition.
- e. Pursuant to the CWA Section 509(b)(2), 33 U.S.C. § 1369(b)(2), a challenge to the validity of permit conditions, including the effluent limitations in Part I-C of this permit, shall not be a defense to an enforcement action under the CWA Sections 309 or 505, 33 U.S.C. §§ 1319 or 1365. Each and every violation of a permit condition is subject to an enforcement action.
- f. Compliance with the terms of this permit does not constitute a defense to any action brought under the CWA Section 504, 33 U.S.C. § 1364, or any other law governing protection of public health or welfare, for any imminent and substantial endangerment to public health or welfare.

8. Inspection and Entry

The Permittee shall allow the Permitting 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 any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of ensuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

9. Severability

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

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) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back up or auxiliary facilities or similar systems that are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this 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 conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

- i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that renders them inoperable, or substantial and permanent loss of natural resources that 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.

for sludge use or disposal, must be submitted electronically by the Permittee to the EPA, as defined in 40 CFR 127.2(b), in compliance with 40 CFR 3 (including, in all cases, Subpart D to Part 3), 40 CFR 122.22, and 40 CFR 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 the permit.

Permittees subject to CFR 127 must electronically submit data in compliance with § 127.15 unless a waiver is granted in compliance with §§ 127.15 and 127.24. Temporary waivers from electronic reporting may be granted by the EPA Region 7. To apply for a temporary waiver, the owner, operator, or duly authorized representative of the NPDES Permittee, facility, and entity must submit the following information to the EPA Region 7:

- a. Facility name;
- b. NPDES permit number (if applicable);
- c. Facility address;
- d. Name, address and contact information for the owner, operator, or duly authorized facility representative;
- e. Brief written statement regarding the basis for claiming such a temporary waiver, and;
- f. Any other information required by the authorized NPDES program.

5. 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, the date completion of the scheduled item is anticipated, and the probability of meeting the next scheduled requirement. Reporting as required under this provision does not relieve the Permittee of the responsibility to timely complete all requirements of a compliance schedule.

6. Twenty-four Hour Reporting

- a. The Permittee shall orally report any noncompliance that may endanger health or the environment as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances. The oral report shall be made to the Chief, Water Enforcement Branch, at phone number (913) 551-7544. Reports of noncompliance under this paragraph may be made to the EPA Spill Hotline at (913) 281-0991 if such noncompliance is discovered after regular business hours or on a weekend or holiday and response assistance from EPA is requested.
- b. The following violations shall be included in the 24-hour notice:
 - i) Any unanticipated bypass that exceeds any effluent limitation in the permit;
 - ii) Any upset that exceeds any effluent limitation in the permit; and
- c. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall be submitted to the Chief, Water Enforcement Branch at the addresses indicated in subsection D.4. of this section, and shall contain a description of the noncompliance, its cause, and the period of noncompliance, including exact dates and times.

If the noncompliance has not been corrected, the written submission shall also include the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Permitting Authority may verbally waive the written report, on a case-by case basis, when the oral report is made.

7. Other Noncompliance

The Permittee shall report, in narrative form, all instances of noncompliance not previously reported under subsection 1. through 6. of this section at the time monitoring reports are submitted. Reporting noncompliance under this provision does not relieve the Permittee of the duty to comply with all requirements of this permit.

8. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information on a permit application or in any report to the Permitting Authority, it shall promptly submit such facts or information.

9. Duty to Provide Information

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

10. Signatory Requirements

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

- a. All permit applications shall be signed as follows:
 - i) For a corporation: by a responsible corporate officer. For the purpose of this subsection, 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 decision making 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 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.
 - ii) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - iii) For a municipality, state, federal, other political subdivision, and public agency/agents thereof: by either a principal executive officer or ranking elected official.
- b. All reports required by permit and other information requested by the Permitting Authority

shall 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:

- i) The authorization is made in writing by a person described above;
 - ii) 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 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 thus may be either a named individual or any individual occupying a named position.); and
 - ii) The written authorization is submitted to the Permitting Authority.
- c. Changes to authorization: If an authorization under subsection 10.b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection 10.b. of this section must be submitted to the Permitting Authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - d. Certification: Any person signing a document under subsections 10.a. or 10.b. of this section shall make this 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."

11. Availability of Reports

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

12. Penalties for Falsification of Reports

The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon the conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

E. REOPENER PROVISIONS

1. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate

requirements if one or more of the following events occurs:

- a. Water Quality Standards: The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
- b. Wasteload Allocation: A wasteload allocation is developed or approved by EPA for incorporation in this permit.
- c. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- d. Biological Sludge: There have been substantial changes (or such changes are planned) in sludge use or disposal practices; applicable management practices or numerical limitations for pollutants in sludge have been promulgated which are more stringent than the requirements in this permit; and/or it has been determined that the Permittee's sludge use or disposal practices do not comply with existing applicable state or federal regulations.

F. DEFINITIONS

1. **"Weekly average or 7-day average"** is the arithmetic average of all samples collected over a calendar week.
2. **The "30-day (and monthly) average,"** other than for *E. coli* bacteria, is the arithmetic average of all samples collected during a calendar month. Geometric means shall be calculated for *E. coli* bacteria.
3. **"Daily Maximum" ("Daily Max.")** is the highest allowable discharge 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 pollutants discharged over the calendar 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 calendar day. If only one measurement or sample is taken during the calendar day, that will be considered the average for the calendar day.
4. **"Composite samples"** shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A **"grab" sample**, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

6. An **"instantaneous"** measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
7. **"Director"** means the Director, Water, Wetlands, and Pesticide Division of EPA Region VII.
8. **The "Permitting Authority"** for this permit is the Director, Water, Wetlands, and Pesticide Division of EPA Region VII.
9. **"EPA"** means the United States Environmental Protection Agency.
10. **"Biological Sludge"** for the purposes of this permit is any solid, semi-solid or liquid residue generated during the biological treatment of wastewater at this facility (e.g., waste activated sludge) or removed from the biological treatment system.
11. **"Act" or "CWA"** means the Clean Water Act, as amended, (formerly referred to as the Federal Water Pollution Control Act), 33 U.S.C. 1251 et seq.
12. 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.
13. A **"hazardous substance"** means any substance(s) designated under 40 CFR Part 116 - Designation of Hazardous Substances pursuant to the CWA Section 311, 33 U.S.C. § 1321.
14. A **"toxic" or "priority"** pollutant is one of 126 substances listed as toxic under the CWA Section 307(a)(1), 33 U.S.C. § 1317(a)(1).