

United States Environmental Protection Agency
 Region 10
 1200 Sixth Avenue, Suite 155
 Seattle, Washington 98101-3188

**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”,

**Washington Beef LLC
 Toppenish Plant
 201 Elmwood Road
 Toppenish, WA 98948**

is authorized to discharge from the Toppenish Plant located in Toppenish, WA at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
002	Wanity Slough	46.369883	-120.320567
008	Spencer Lateral	46.370789	-120.324994

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

This permit shall become effective **insert date**

This permit and the authorization to discharge shall expire at midnight, **insert date**.

The permittee shall reapply for a permit reissuance on or before **insert date**, 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.

Draft

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 submitted via NetDMR on or before the 10th of the month following the monitoring period. (see Permit Part III.B.)
Quality Assurance Plan (QAP)	The permittee must provide EPA and the Yakama Nation with written notification that the Plan has been developed and implemented within 60 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 the Yakama Nation upon request.
Whole Effluent Toxicity Testing (WET) Report	The permittee must submit the results of the toxicity testing with the December DMR and with the next permit application (see Permit Part I.C).
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.D).
Compliance Schedule	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 (see Permit Part III.K.).
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.3).

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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 Wanity Slough and Spencer Lateral, 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

- The permittee must limit and monitor discharges from Outfall 002 and Outfall 008 as specified in Table 1 and Table 2 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 for Outfall 002

Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Maximum Daily	Minimum Daily	Range	Sample Frequency	Sample Type
Outfall Flow	mgd	—	—	—	—	Daily	Recording
Biochemical Oxygen Demand (BOD ₅)	mg/l	30	45	—	—	1/week	24-hour composite
	lbs/day	400.3	600.5	—	—		
Total Suspended Solids (TSS)	mg/l	42.8	85.7	—	—	1/week	24-hour composite
	lbs/day	572	1143	—	—		
Oil and Grease	mg/L	10	15	—	—	1/month	Grab
	lbs/day	133.4	200.2	—	—		
<i>E.coli</i> Bacteria ¹	# / 100ml	100	Note 2	—	—	3/week	Grab
pH	s.u.	—	—	—	6.5-8.5	3/week	Grab
Dissolved Oxygen	mg/l	—	—	6.8	—	3/week	Grab
	% of saturation	—	—	90	—		
Total Nitrogen (April 1 – October 31, final)	mg/L	3.80	9.05	—	—	3/week	24-hour composite
	lbs/day	24.3	57.8	—	—		
Total Nitrogen (April 1 – October 31, interim)	mg/L	134	194	—	—	3/week	24-hour composite
	lbs/day	1788	2587.5	—	—		
Total Nitrogen (November 1 – March 31)	mg/L	134	194	—	—	3/week	24-hour composite
	lbs/day	1788	2587.5	—	—		
Total Phosphorus (April 1 – October 31, final)	mg/L	0.547	1.30	—	—	3/week	24-hour composite
	lbs/day	3.54	8.32	—	—		
Total Phosphorus (November 1 – March 31)	mg/L	Report	Report	—	—	1/month	24-hour composite
Total Ammonia as N (May 1 – September 30)	mg/L	1.27	5.16	—	—	3/week	24-hour composite
	lbs/day	9.70	39.4	—	—		
Total Ammonia as N (October 1 – April 30)	mg/L	2.90	8.0	—	—	3/week	24-hour composite
	lbs/day	22.1	89.8	—	—		
Nitrate + Nitrite	mg/L	Report	Report	—	—	3/week	24-hour composite
Total Residual Chlorine ^{3,4}	µg/L	9.5	19.0	—	—	Daily	Grab
	lbs/day	0.13	0.25	—	—		
Turbidity	NTU	12.4	50.3	—	—	1/week	Grab
Floating solids, visible foam, oily wastes	—	See permit Part I.B.2.				1/week	Visual
Chloride	mg/L	—	Report	—	—	1/quarter ⁵	24-hour composite

Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Maximum Daily	Minimum Daily	Range	Sample Frequency	Sample Type
Sulfate	mg/L	—	Report	—	—	Quarterly	24-hour composite
Temperature (June 1 – 30)	°C	—	31.2	—	—	Continuous	Recording
Temperature (July 1 – 31)	°C	—	23.6	—	—	Continuous	Recording
Temperature (August 1 - 31)	°C	—	23.6	—	—	Continuous	Recording
Temperature (September 1 – May 31)	°C	—	Report	—	—	Continuous	Recording
Whole Effluent Toxicity (WET) – Chronic (final)	TU _c	5.3	10.0	—	—	1/quarter ⁵	24-hour composite
Whole Effluent Toxicity (WET) – Chronic (interim)	TU _c	13.4	25.9	—	—	1/quarter ⁵	24-hour composite

Notes:

- The average monthly limit for *E. coli* is expressed as a geometric mean.
- No more than 10 percent of all samples obtained within the month shall exceed 320 CFU or MPN per 100 mL
- See Part I.B.8.
- Effluent limitations and monitoring requirements for chlorine are applicable only on days when chlorine is used for disinfection.
- 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.

Table 2: Effluent Limitations and Monitoring Requirements for Outfall 008

Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Maximum Daily	Minimum Daily	Range	Sample Frequency	Sample Type
Outfall Flow	mgd	—	—	—	—	Daily	Recording
Biochemical Oxygen Demand (BOD ₅)	mg/l	30	45	—	—	1/week	24-hour composite
	lbs/day	400.3	600.5	—	—		
Total Suspended Solids (TSS)	mg/l	42.8	85.7	—	—	1/week	24-hour composite
	lbs/day	572	1143	—	—		
Total Dissolved Solids (TDS) (May 1 – September 30, final)	mg/l	1742	1995	—	—	3/week	24-hour composite
	lbs/day	13308	15240	—	—		
Total Dissolved Solids (TDS) (October 1 – April 30, final)	mg/l	500	558	—	—	3/week	24-hour composite
	lbs/day	3820	4263	—	—		
Total Dissolved Solids (TDS) (interim)	mg/l	2371	2714	—	—	3/week	24-hour composite
	lbs/day	18113	20733	—	—		
Oil and Grease	mg/L	10	15	—	—	2/week	Grab
	lbs/day	133.4	200.2	—	—		
<i>E. coli</i> Bacteria ¹	# / 100ml	100	Note 2	—	—	3/week	Grab
pH	s.u.	—	—	—	6.5-8.5	3/week	Grab
	mg/l	—	—	6.8	—		
Dissolved Oxygen	% of saturation	—	—	90	—	3/week	Grab
	mg/L	134	194	—	—		
Total Nitrogen	lbs/day	1788	2587.5	—	—	3/week	24-hour composite
	mg/L	Report	Report	—	—		
Total Phosphorus	mg/L	Report	Report	—	—	1/month	24-hour composite
	lbs/day	24.5	58.4	—	—		
Total Ammonia as N (May 1 – September 30)	mg/L	3.21	7.65	—	—	3/week	24-hour composite
	lbs/day	1.61	6.53	—	—		
Total Ammonia as N (October 1 – April 30)	mg/L	0.211	0.855	—	—	3/week	24-hour composite
	lbs/day	1.61	6.53	—	—		
Nitrate + Nitrite (May 1 – September 30, final)	mg/L	40.4	89.4	—	—	3/week	24-hour composite
	lbs/day	309	682	—	—		
Nitrate + Nitrite (October 1 – April 30, final)	mg/L	10.0	22.1	—	—	3/week	24-hour composite
	lbs/day	76.4	169	—	—		
Nitrate + Nitrite (interim)	mg/L	59	154	—	—	3/week	24-hour composite
	lbs/day	451	1176	—	—		

Parameter	Units	Effluent Limitations				Monitoring Requirements	
		Average Monthly	Maximum Daily	Minimum Daily	Range	Sample Frequency	Sample Type
Total Residual Chlorine ^{23,4}	µg/L	9.0	18.0	—	—	Daily	Grab
	lbs/day	0.12	0.24				
Turbidity	NTU	12.4	44.2	—	—	1/week	Grab
Floating solids, visible foam, oily wastes	—	See permit Part I.B.2.				1/week	Visual
Chloride	mg/L	—	Report	—	—	1/quarter ⁵	24-hour composite
Sulfate	mg/L	—	Report	—	—	1/quarter ⁵	24-hour composite
Temperature	C	Report	Report	—	—	Continuous	Recording
Whole Effluent Toxicity (WET) – Chronic (May 1 – September 30, final)	TU _c	3.8	7.2	—	—	2/season	24-hour composite
WET – Chronic (October 1 – April 30, final)	TU _c	1.0	1.8	—	—	2/season	24-hour composite
Whole Effluent Toxicity (WET) – Chronic (interim)	TU _c	13.4	25.9	—	—	1/quarter ⁵	24-hour composite

Notes:

1. The average monthly limit for *E. coli* is expressed as a geometric mean.
2. No more than 10 percent of all samples obtained within the month shall exceed 320 CFU or MPN per 100 mL
3. See Part I.B.8.
4. Effluent limitations and monitoring requirements for chlorine are applicable only on days when chlorine is used for disinfection.
5. 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.

2. Narrative limitations:

- a. There shall be no discharge from Outfalls 002 or 008 of floating solids, visible foam, or oily wastes which produce a sheen on the surface of the receiving water.
 - 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 solids, visible foam, or oily wastes. The log must be retained and made available to EPA or the Yakama Nation upon request.
3. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: Total ammonia as N and total residual chlorine. 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 Table 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: Minimum Levels
 - 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.
 8. The limits for chlorine are not quantifiable using EPA-approved analytical methods. The minimum level (ML) for chlorine is 50 µg/L for this parameter. The EPA will use 50 µg/L as the compliance evaluation level for this parameter. The permittee will be compliance with the total residual chlorine limitations if the average monthly and maximum daily concentrations are less than 50 µg/L and the average monthly and maximum daily mass loadings are less than 0.67 lb/day.

C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from Outfalls 002 and 008. Testing must be conducted in accordance with Paragraphs 1 through 4, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Table 1 and Table 2, with a required sampling frequency of monthly or more frequently, using the same sample type required in Table 1 and Table 2. When the timing of sample collection coincides with that of the sampling required in Permit Part I.B., analysis of the split sample will fulfill the requirements of Permit Part I.B. as well. For parameters for which grab samples are required in Permit Part I.B., grab samples must be taken during the same 24-hour period as the 24-hour composite sample used for the toxicity tests. A split of the first discrete

effluent sample collected for the 24-hour composite sample for the toxicity test cannot be used to satisfy the required grab sample in Permit Part I.B.

2. Chronic Test Species and Methods

- a. Chronic WET testing must be conducted quarterly while the permit remains in effect. The permittee must conduct the following three chronic toxicity tests on each sample, using the species and protocols in the Table below.

Table 3: Toxicity Test Species and Protocols

Freshwater Chronic Toxicity Tests	Species	Method
Fathead minnow larval survival and growth test (Method 1000.0)	<i>Pimephales promelas</i>	EPA-821-R-02-013
Daphnid survival and reproduction test (Method 1002.0)	<i>Ceriodaphnia dubia</i>	EPA-821-R-02-013
Green algae growth test (Method 1003.0)	<i>Raphidocelis subcapitata</i> (formerly known as <i>Selenastrum capricornutum</i>)	EPA-821-R-02-013

- b. The presence of chronic toxicity must be determined as specified in Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002.
- c. Results must be reported in TU_c (chronic toxic units), which is defined as follows:
- i. For survival endpoints, $TU_c = 100/NOEC$.
 - ii. For all other test endpoints, $TU_c = 100/IC_{25}$
 - iii. IC_{25} means “25% inhibition concentration.” The IC_{25} is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
 - iv. NOEC means “no observed effect concentration.” The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

3. Quality Assurance

- a. The toxicity testing on each organism must include a series of six test dilutions and a control. The dilution series must include 100, 50, 25, 12.5, 6.25 and the receiving water concentration (RWC). The receiving water concentrations are as follows:
 - i. 18% effluent for Outfall 002.
 - ii. 26% effluent for outfall 008 from May 1 – September 30.
 - iii. 100% effluent for outfall 008 from October 1 – April 30.
 - b. All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.
 - c. In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:
 - i. If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.
 - ii. If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days of receipt of the test results.
 - iii. Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA and the Yakama Nation. In no case shall water that has not met test acceptability criteria be used for either dilution or control.
4. Accelerated Testing
- a. If chronic toxicity is detected above the applicable effluent limits in Table 1 or Table 2, the permittee must conduct four (see also Part I.C.4.d, below) more biweekly tests over an eight-week period. This accelerated testing must be initiated within two weeks of receipt of the test results that indicate an exceedance.
 - b. The permittee must notify EPA of the exceedance in writing within two weeks of receipt of the test results. The notification must include the following information:
 - i. A status report on any actions required by the permit, with a schedule for actions not yet completed.

- ii. A description of any additional actions the permittee has taken or will take to investigate and correct the cause(s) of the toxicity.
 - iii. Where no actions have been taken, a discussion of the reasons for not taking action.
 - c. If none of the four accelerated tests exceed the toxicity trigger, the permittee may return to the normal testing frequency. If any of the four tests exceed the trigger, then the TRE requirements in Part I.C.5 shall apply.
 - d. Initial Investigation. If the permittee demonstrates through an evaluation of facility operations that the cause of the exceedance is known and corrective actions have been implemented, only one accelerated test is necessary. If toxicity exceeding the trigger is detected in this test, then the TRE requirements in Part I.C.5 shall apply.
- 5. Toxicity Reduction Evaluation (TRE) and Toxicity Identification Evaluation (TIE):
 - a. If chronic toxicity triggers are exceeded during accelerated testing under Part I.C.4, the permittee must initiate a toxicity reduction evaluation (TRE) in accordance with Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070) within two weeks of the exceedance. At a minimum, the TRE must include:
 - i. Further actions to investigate and identify the cause of toxicity;
 - ii. Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
 - iii. A schedule for these actions.
 - b. The permittee may initiate a Toxicity Identification Evaluation (TIE) as part of the TRE process. Any TIE must be performed in accordance with EPA guidance manuals, Toxicity Identification Evaluation; Characterization of Chronically Toxic Effluents, Phase I (EPA/600/6-91/005F), Methods for Aquatic Toxicity Identification Evaluations, Phase II: Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA/600/R-92/080), and Methods for Aquatic Toxicity Identification Evaluations, Phase III: Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity (EPA-600/R-92/081).
- 6. Reporting
 - a. The permittee must submit the results of the toxicity testing with the DMR for the last month of the reporting quarter. The permittee may submit the toxicity testing as an electronic attachment to NetDMR. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0050202_Bioassay_02610, where
YYYY_MM_DD is the date that the permittee submits the testing.
 - b. The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of Short-Term Methods for

Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002. In addition to toxicity test results, the permittee must report: dates of sample collection and initiation of each test; flow rate at the time of sample collection; and the results of the monitoring required in Permit Part I.B.

D. Surface Water Monitoring Report (SWMRP)

The permittee must conduct surface water monitoring. Unless otherwise specified in Table 4 and Table 5, surface water monitoring must start within 90 days after the effective date of the permit and continue as long as the permit remains in effect. The program must meet the following requirements:

Table 4: Surface Water Monitoring Requirements for Wanity Slough

Parameter	Units	Monitoring Location(s)	Monitoring Frequency	Sample Type
Total Nitrogen	mg/L	Upstream	1/quarter ²	Grab
Nitrate + Nitrite	mg/L	Upstream	1/quarter ²	Grab
pH ¹	s.u.	Downstream	Continuous	Recording
Total Ammonia as N	mg/L	Upstream	1/quarter ²	Grab
Total Phosphorus	µg/L	Upstream	1/quarter ²	Grab
Total Dissolved Solids	mg/L	Upstream	1/quarter ²	Grab
Temperature ¹	°C	Upstream and downstream	Continuous	Recording
Notes: 1. Continuous monitoring for pH and temperature is required for the final full calendar year of the permit term. 2. 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.				

Table 5: Surface Water Monitoring for Spencer Lateral (irrigation season)

Parameter	Units	Monitoring Location(s)	Monitoring Frequency	Sample Type
Nitrate + Nitrite	mg/L	Upstream	1/quarter ²	Grab
pH ¹	s.u.	Downstream	Continuous	Recording
Total Ammonia as N	mg/L	Upstream	1/quarter ²	Grab
Total Dissolved Solids	mg/L	Upstream	1/quarter ²	Grab
Temperature ¹	°C	Upstream and downstream	Continuous	Recording
Notes: 1. Continuous monitoring for pH and temperature is required for the final full calendar year of the permit term. 2. 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.				

1. Monitoring stations must be established in at the following locations in both Wanity Slough and Spencer Lateral:
 - a. Above the influence of the facility’s discharge, and
 - b. Below the facility’s discharge, at a point where the effluent and the receiving waters are completely mixed.
2. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.

3. Samples must be analyzed for the parameters listed in Table 4 and Table 5.
4. 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: Minimum Levels. The permittee may request different MLs. The request must be in writing and must be approved by EPA.
5. 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.
6. Submission of SW Monitoring
 - a. Surface water monitoring results must be reported on DMRs.
 - i. Quarterly monitoring must be reported on the DMR for the last month of the quarter (March, June, September, and December).
 - ii. Continuous monitoring for temperature and pH must be reported on the December DMR.
 - b. The permittee must submit all surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and the Yakama Nation by January 31st of the following year and with the reapplication (see Permit Part V.B., *Duty to Reapply*). The file must be in the format of one analytical result per row and include the following information: name and contact information of laboratory, sample identification number, sample location in latitude and longitude (decimal degrees format), method of location determination (i.e., GPS, survey etc.), date and time of sample collection, water quality parameter (or characteristic being measured), analysis result, result units, detection limit and definition (i.e., MDL etc.), analytical method, date completed, and any applicable notes.
 - c. The permittee may submit the surface water monitoring report as an attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0050202_SWMRP, where YYYY_MM_DD is the date that the permittee submits the report.

II. SPECIAL CONDITIONS

A. Best Management Practices Plan

1. **Purpose:** Through implementation of the best management practices (BMP) plan the permittee must prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal and ancillary activities.
2. **Development and Implementation Schedule:** The permittee must develop and implement a BMP Plan within 60 days of the effective date of the permit. The BMP Plan must achieve the objectives and the specific requirements

listed below. Any existing BMP plans may be modified to meet the requirements under this section.

3. **Objectives:** The permittee must develop, and amend, the BMP Plan consistent with the following objectives for the control of pollutants.
 - a. The number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.
 - b. Under the BMP Plan and any Standard Operating Procedures included in the BMP Plan, the permittee must ensure proper operation and maintenance of water management and wastewater treatment systems. BMP Plan elements must be developed in accordance with good engineering practices.
 - c. Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including, but not limited to, material storage areas, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.
4. **Elements of the BMP Plan:** The BMP Plan must be consistent with the objectives above and the general guidance contained in Guidance Manual for Developing Best Management Practices (EPA 833-B-93-004, October 1993) and Storm Water Management For Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-006, October 1992) or any subsequent revision to these guidance documents. The BMP Plan must include, at a minimum, the following items:
 - a. Plan Components:
 - i. Statement of BMP policy: The BMP Plan must include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.
 - ii. Structure, functions, and procedures of the BMP Committee. The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan.
 - iii. Description of potential pollutant sources.
 - iv. Risk identification and assessment.
 - v. Standard operating procedures to achieve the above objectives and specific best management practices (see Part II.D.2. below).

- vi. Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence.
 - vii. Materials compatibility.
 - viii. Good housekeeping.
 - ix. Inspections.
 - x. Preventative maintenance and repair.
 - xi. Security.
 - xii. Employee training.
 - xiii. Recordkeeping and reporting.
 - xiv. An evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.
 - xv. Final constructed site plans, drawings and maps (including detailed storm water outfall/culvert configurations).
- b. Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under Part II.A.3, and which ensure that the following specific requirements are met:
- i. Solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters must be disposed of in a manner which prevents any pollutant from such materials from entering waters of the United States.
 - ii. Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations must be referenced in the BMP Plan.
- c. Review and Certification: The BMP Plan must be reviewed and certified as follows:
- i. Annual review by the plant manager.
 - ii. Certified statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must be certified by the dated signatures of the plant manager. The statement must be kept on site and made available to EPA and the Yakama Nation upon request.
5. **Documentation.** The permittee must maintain a copy of the BMP Plan at the facility and make it available to EPA and Yakama Nation or an authorized representative upon request.

6. BMP Plan Modification.

- a. The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface waters.
- b. The permittee must amend the BMP Plan whenever it is found to be ineffective in achieving the general objective of preventing and minimizing the generation and the potential for the release of pollutants from the facility to the waters of the United States and/or the specific requirements above.
- c. Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported in the annual certification required under Part II.D.3., above.

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 60 days of the effective date of this permit, the permittee must submit written notice to EPA and the Yakama Nation 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_WA0050202_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 the Yakama Nation 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 the Yakama Nation upon request.

C. Schedule of Compliance

1. The permittee must achieve compliance with the following limitations of Permit Part I.B. (Table 1 and Table 2) by 4 years and 11 months from the effective date of the final permit.
 - a. Outfall 002
 - i. Total nitrogen (April 1 – October 31)
 - ii. Total phosphorus (April 1 – October 31)
 - iii. Whole effluent toxicity (year-round)
 - b. Outfall 008
 - i. Nitrate + Nitrite (May 1 – September 30)
 - ii. Nitrate + Nitrite (October 1 – April 30)
 - iii. Total dissolved solids (May 1 – September 30)
 - iv. Total dissolved solids (October 1 – April 30)
 - v. Whole effluent toxicity (May 1 – September 30)
 - vi. Whole effluent toxicity (October 1 – April 30)
2. During the term of the compliance schedule, the permittee must comply with interim effluent limits in Table 1 and Table 2 and monitoring requirements in Table 1 and Table 2.
3. The permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the effluent limits listed in Part II.C.1. The Annual Report of Progress must be submitted by one year after the effective date of the permit each year. The first report is due one year after the effective date of the final permit, and annually thereafter, until compliance with the final effluent limits listed in Part II.C.1 is achieved. The permittee may submit the annual report as an attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_ID0000019_Progress_CS010, where YYYY_MM_DD is

the date that the permittee submits the written notification. See also Part III.J, “Compliance Schedules”. At a minimum, the annual report must include:

- a. An assessment of the previous year of effluent data and comparison to the final effluent limitations.
- b. A report on progress made towards meeting the final effluent limitations.
- c. Further actions and milestones targeted for the upcoming year.

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 (<https://npdes-ereporting.epa.gov/net-netdmr>).

1. Monitoring data must be submitted electronically to EPA no later than the 10th 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.F., *Signatory Requirements*.
3. The permittee must submit copies of the DMRs and other reports to .
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee must submit all reports to EPA and the Yakama Nation as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0050202_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://netdmr.epa.gov/netdmr/public/home.htm>

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 the Yakama Nation 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;
 - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Permit Part IV.F., *Bypass of Treatment Facilities*);
 - 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 by .
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.
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 via email to R10enforcement@epa.gov with the subject line "CWA NPDES_WA0050202_Noncompliance Report." The permittee must sign and certify the report in accordance with the requirements of Permit Part V.F., *Signatory Requirements*. A copy must also be submitted to the Yakama Nation at the following email address: enviroreview@yakama.com.
5. As of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR 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.

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. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall also contain the applicable required data in appendix A to 40 CFR part 127. As of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR 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. 40 CFR part 127 is not intended to undo existing requirements for electronic reporting. The Director may also require permittees to electronically submit

reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

I. Changes in Discharge of Toxic Pollutants

The permittee must notify the Director of the Water Division and the Yakama Nation as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a. One hundred micrograms per liter (100 ug/l);
 - b. 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;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a. Five hundred micrograms per liter (500 ug/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to the Water Division at the following address:

US EPA Region 10
Attn: NPDES Permitting Section Manager
1200 Sixth Avenue
Suite 155, 19-C04
Seattle, Washington 98101-3188

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 of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 USC § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L.114-74) (currently \$64,618 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 of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 USC § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L.114-74) (currently \$25,847 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$64,618). 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 of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 USC § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L.114-74) (currently \$25,847 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$323,081).
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. As of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR 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.
 - 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*. As of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR 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.
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.I.3. and the Yakama Nation 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 the Yakama Nation 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, 122.63, 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 the Yakama Nation, within the time specified in the request, any information that EPA or the Yakama Nation 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 the Yakama Nation, 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 the Yakama Nation, it must promptly submit the omitted facts or corrected information in writing.

E. Identification of the Initial Recipient for NPDES Electronic Reporting Data

The owner, operator, or the duly authorized representative of an NPDES-regulated entity is required to electronically submit the required NPDES information (as specified in appendix A to 40 CFR part 127) to the appropriate initial recipient, as determined by EPA, and as defined in 40 CFR 127.2(b). EPA will identify and publish the list of initial recipients on its Web site and in the Federal Register, by state and by NPDES data group [see 40 CFR 127.2(c)]. EPA will update and maintain this listing.

F. Signatory Requirements

All applications, reports or information submitted to EPA and the Yakama Nation 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 the Yakama Nation 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 the Yakama Nation.
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 the Yakama Nation 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.”
5. Electronic reporting. If applications or reports required under this permit are submitted electronically by or on behalf of the NPDES-regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

G. 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.

H. Inspection and Entry

The permittee must allow the Director of the Enforcement and Compliance Assurance Division, EPA Region 10; the Yakama Nation; 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.

I. 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.

J. 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).

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

5. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
6. “Chronic toxic unit” (“TUc”) is defined at Part I.C.2.d.
7. “Composite” - see “24-hour composite”.
8. “CWA” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92–500, as amended by Public Law 95–217, Public Law 95–576, Public Law 96–483 and Public Law 97– 117, 33 U.S.C. 1251 et seq.
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. “EPA” means the United States Environmental Protection Agency.
14. “Geometric Mean” means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
15. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
16. “Inhibition concentration”, IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
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. “NOEC” means no observed effect concentration. The NOEC is the highest concentration of toxicant (e.g., effluent) to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).
22. Receiving Water Concentration (RWC) is the concentration of a toxicant or effluent in the receiving water after mixing. The RWC is the inverse of the dilution factor. It is sometimes referred to as the instream waste concentration (IWC).
23. “QA/QC” means quality assurance/quality control.
24. “Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
25. “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.
26. “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.
27. “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 flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in 40 CFR 136.

APPENDIX A: MINIMUM LEVELS

The Tables below list the maximum Minimum Level (ML) for pollutants that may have monitoring requirements 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.

CONVENTIONAL PARAMETERS

Pollutant & CAS No. (if available)	ML, µg/L unless specified
Biochemical Oxygen Demand	2 mg/L
Soluble Biochemical Oxygen Demand	2 mg/L
Chemical Oxygen Demand	10 mg/L
Dissolved Organic Carbon	1 mg/L
Total Organic Carbon	1 mg/L
Total Suspended Solids	5 mg/L
Total Ammonia (as N)	50
Dissolved oxygen	+/- 0.2 mg/L
Temperature	+/- 0.2°C
pH	N/A

NONCONVENTIONAL PARAMETERS

Pollutant & CAS No. (if available)	ML, µg/L unless specified
Total Alkalinity	5 mg/L as CaCO ₃
Chlorine, Total Residual	50.0
Color	10 color units
Fluoride (16984-48-8)	100
Nitrate + Nitrite Nitrogen (as N)	100
Nitrogen, Total Kjeldahl (as N)	300
Soluble Reactive Phosphorus (as P)	10
Phosphorus, Total (as P)	10
Oil and Grease (HEM) (Hexane Extractable Material)	5,000
Salinity	3 practical salinity units or scale (PSU or PSS)
Settleable Solids	500 (or 0.1 mL/L)
Sulfate (as mg/L SO ₄)	0.2 mg/L

Pollutant & CAS No. (if available)	ML, µg/L unless specified
Sulfide (as mg/L S)	0.2 mg/L
Sulfite (as mg/L SO ₃)	2 mg/L
Total dissolved solids	20 mg/L
Total Hardness	200 as CaCO ₃
Aluminum, Total (7429-90-5)	10
Barium Total (7440-39-3)	2.0
BTEX (benzene +toluene + ethylbenzene + m,o,p xylenes)	2
Boron Total (7440-42-8)	10.0
Cobalt, Total (7440-48-4)	0.25
Iron, Total (7439-89-6)	50
Magnesium, Total (7439-95-4)	50
Molybdenum, Total (7439-98-7)	0.5
Manganese, Total (7439-96-5)	0.5
Tin, Total (7440-31-5)	1.5
Titanium, Total (7440-32-6)	2.5

PRIORITY POLLUTANTS

Pollutant & CAS No. (if available)	ML, µg/L unless specified
METALS, CYANIDE & TOTAL PHENOLS	
Antimony, Total (7440-36-0)	1.0
Arsenic, Total (7440-38-2)	0.5
Beryllium, Total (7440-41-7)	0.5
Cadmium, Total (7440-43-9)	0.1
Chromium (hex) dissolved (18540-29-9)	1.2
Chromium, Total (7440-47-3)	1.0
Copper, Total (7440-50-8)	2.0
Lead, Total (7439-92-1)	0.16
Mercury, Total (7439-97-6)	0.0005
Nickel, Total (7440-02-0)	0.5
Selenium, Total (7782-49-2)	1.0

Pollutant & CAS No. (if available)	ML, $\mu\text{g/L}$ unless specified
Silver, Total (7440-22-4)	0.2
Thallium, Total (7440-28-0)	0.36
Zinc, Total (7440-66-6)	2.5
Cyanide, Total (57-12-5)	10
Cyanide, Weak Acid Dissociable	10
Cyanide, Free Amenable to Chlorination (Available Cyanide)	10
Phenols, Total	50
2-Chlorophenol (95-57-8)	2.0
2,4-Dichlorophenol (120-83-2)	1.0
2,4-Dimethylphenol (105-67-9)	1.0
4,6-dinitro-o-cresol (534-52-1) (2-methyl-4,6,-dinitrophenol)	2.0
2,4 dinitrophenol (51-28-5)	2.0
2-Nitrophenol (88-75-5)	1.0
4-nitrophenol (100-02-7)	1.0
Parachlorometa cresol (59-50-7) (4-chloro-3-methylphenol)	2.0
Pentachlorophenol (87-86-5)	1.0
Phenol (108-95-2)	4.0
2,4,6-Trichlorophenol (88-06-2)	4.0
VOLATILE COMPOUNDS	
Acrolein (107-02-8)	10
Acrylonitrile (107-13-1)	2.0
Benzene (71-43-2)	2.0
Bromoform (75-25-2)	2.0
Carbon tetrachloride (56-23-5)	2.0
Chlorobenzene (108-90-7)	2.0
Chloroethane (75-00-3)	2.0
2-Chloroethylvinyl Ether (110-75-8)	2.0
Chloroform (67-66-3)	2.0

Pollutant & CAS No. (if available)	ML, $\mu\text{g/L}$ unless specified
Dibromochloromethane (124-48-1)	2.0
1,2-Dichlorobenzene (95-50-1)	7.6
1,3-Dichlorobenzene (541-73-1)	7.6
1,4-Dichlorobenzene (106-46-7)	17.6
Dichlorobromomethane (75-27-4)	2.0
1,1-Dichloroethane (75-34-3)	2.0
1,2-Dichloroethane (107-06-2)	2.0
1,1-Dichloroethylene (75-35-4)	2.0
1,2-Dichloropropane (78-87-5)	2.0
1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene) (542-75-6) 6	2.0
Ethylbenzene (100-41-4)	2.0
Methyl bromide (74-83-9) (Bromomethane)	10.0
Methyl chloride (74-87-3) (Chloromethane)	2.0
Methylene chloride (75-09-2)	10.0
1,1,2,2-Tetrachloroethane (79-34-5)	2.0
Tetrachloroethylene (127-18-4)	2.0
Toluene (108-88-3)	2.0
1,2-Trans-Dichloroethylene (156-60-5) (Ethylene dichloride)	2.0
1,1,1-Trichloroethane (71-55-6)	2.0
1,1,2-Trichloroethane (79-00-5)	2.0
Trichloroethylene (79-01-6)	2.0
Vinyl chloride (75-01-4)	2.0
BASE/NEUTRAL COMPOUNDS	
Acenaphthene (83-32-9)	0.4
Acenaphthylene (208-96-8)	0.6
Anthracene (120-12-7)	0.6
Benzidine (92-87-5)	24
Benzyl butyl phthalate (85-68-7)	0.6
Benzo(a)anthracene (56-55-3)	0.6

Pollutant & CAS No. (if available)	ML, $\mu\text{g/L}$ unless specified
Benzo(b)fluoranthene (3,4-benzofluoranthene) (205-99-2) 7	1.6
Benzo(j)fluoranthene (205-82-3) 7	1.0
Benzo(k)fluoranthene (11,12-benzofluoranthene) (207-08-9) 7	1.6
Benzo(r,s,t)pentaphene (189-55-9)	1.0
Benzo(a)pyrene (50-32-8)	1.0
Benzo(ghi)Perylene (191-24-2)	1.0
Bis(2-chloroethoxy)methane (111-91-1)	21.2
Bis(2-chloroethyl)ether (111-44-4)	1.0
Bis(2-chloroisopropyl)ether (39638-32-9)	0.6
Bis(2-ethylhexyl)phthalate (117-81-7)	0.5
4-Bromophenyl phenyl ether (101-55-3)	0.4
2-Chloronaphthalene (91-58-7)	0.6
4-Chlorophenyl phenyl ether (7005-72-3)	0.5
Chrysene (218-01-9)	0.6
Dibenzo (a,h)acridine (226-36-8)	10.0
Dibenzo (a,j)acridine (224-42-0)	10.0
Dibenzo(a-h)anthracene (53-70-3)(1,2,5,6-dibenzanthracene)	1.6
Dibenzo(a,e)pyrene (192-65-4)	10.0
Dibenzo(a,h)pyrene (189-64-0)	10.0
3,3-Dichlorobenzidine (91-94-1)	1.0
Diethyl phthalate (84-66-2)	7.6
Dimethyl phthalate (131-11-3)	6.4
Di-n-butyl phthalate (84-74-2)	1.0
2,4-dinitrotoluene (121-14-2)	0.4
2,6-dinitrotoluene (606-20-2)	0.4
Di-n-octyl phthalate (117-84-0)	0.6
1,2-Diphenylhydrazine (as Azobenzene) (122-66-7)	20
Fluoranthene (206-44-0)	0.6

Pollutant & CAS No. (if available)	ML, µg/L unless specified
Fluorene (86-73-7)	0.6
Hexachlorobenzene (118-74-1)	0.6
Hexachlorobutadiene (87-68-3)	1.0
Hexachlorocyclopentadiene (77-47-4)	1.0
Hexachloroethane (67-72-1)	1.0
Indeno(1,2,3-cd)Pyrene (193-39-5)	1.0
Isophorone (78-59-1)	1.0
3-Methyl cholanthrene (56-49-5)	8.0
Naphthalene (91-20-3)	0.6
Nitrobenzene (98-95-3)	1.0
N-Nitrosodimethylamine (62-75-9)	4.0
N-Nitrosodi-n-propylamine (621-64-7)	1.0
N-Nitrosodiphenylamine (86-30-6)	1.0
Perylene (198-55-0)	7.6
Phenanthrene (85-01-8)	0.6
Pyrene (129-00-0)	0.6
1,2,4-Trichlorobenzene (120-82-1)	0.6
DIOXIN	
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (176-40-16) (2,3,7,8 TCDD)	5 pg/L
PESTICIDES/PCBs	
Aldrin (309-00-2)	0.05
alpha-BHC (319-84-6)	0.05
beta-BHC (319-85-7)	0.05
gamma-BHC (58-89-9)	0.05
delta-BHC (319-86-8)	0.05
Chlordane (57-74-9)	0.05
4,4'-DDT (50-29-3)	0.05
4,4'-DDE (72-55-9)	0.05
4,4' DDD (72-54-8)	0.05
Dieldrin (60-57-1)	0.05

Pollutant & CAS No. (if available)	ML, $\mu\text{g/L}$ unless specified
alpha-Endosulfan (959-98-8)	0.05
beta-Endosulfan (33213-65-9)	0.05
Endosulfan Sulfate (1031-07-8)	0.05
Endrin (72-20-8)	0.05
Endrin Aldehyde (7421-93-4)	0.05
Heptachlor (76-44-8)	0.05
Heptachlor Epoxide (1024-57-3)	0.05
PCB-1242 (53469-21-9)	0.5
PCB-1254 (11097-69-1)	0.5
PCB-1221 (11104-28-2)	0.5
PCB-1232 (11141-16-5)	0.5
PCB-1248 (12672-29-6)	0.5
PCB-1260 (11096-82-5)	0.5
PCB-1016 (12674-11-2)	0.5
Toxaphene (8001-35-2)	0.5