

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",

United States Department of the Navy
 Naval Magazine Indian Island

is authorized to discharge from the Naval Magazine Indian Island located in Port Hadlock, WA at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Port Townsend Bay	48.053799° N	122.740711° W

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

This permit shall become effective October 1, 2023.

This permit and the authorization to discharge shall expire at midnight, September 30, 2028.

The permittee shall reapply for a permit reissuance on or before April 3, 2028, 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.

/s/ June 21, 2023
 Mathew J. Martinson
 CAPT, USPHS
 Branch Chief
 Permits, Drinking Water, and Infrastructure

EPA issued a minor permit modification that includes the following changes: the due date for the List of Industrial Users was corrected in the Schedule of Submissions to be consistent with the body of the permit in Part II.G.4; Table 1 was modified to clarify inflow and sludge sampling locations at the Pier and Main Plants, composite sampling when flow is intermittent, and percent removal calculation (notes #2, 3, 5, and 21); Part I.C was revised to remove reference to sampling for metals, dissolved organic carbon, conductivity, hardness, which is not required in the permit.

Mathew J. Martinson
CAPT, USPHS
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Schedule of Submissions

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

Item	Due Date
Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 28th of the month following the monitoring period (see Permit Part III.B).
Quality Assurance Plan (QAP)	The permittee must provide EPA with written notification that the Plan has been developed and implemented within 12 months after the effective date of the final permit (see Permit Part II.D). The Plan must be kept on site and made available to EPA upon request.
Operation and Maintenance (O&M) Plan	The permittee must provide EPA with written notification that the Plan has been developed and implemented within 12 months after the effective date of the final permit (see Permit Part II.C). The Plan must be kept on site and made available to EPA and upon request.
NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see Permit Part V.B).
Surface Water Monitoring Report (SWMRP)	The Report must be submitted with the DMR (see Permit Part I.C).
Implementation Schedule	Reports of compliance or noncompliance with, and any progress reports on, interim and final requirements contained in the implementation schedule of this permit must be submitted by each schedule date (see Permit Part II.E).
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).
Emergency Response and Public Notification Plan	The permittee must develop and implement an overflow emergency response and public notification plan. The permittee must submit written notice to EPA that the plan has been developed and implemented within 180 days of the effective date of this permit (see Permit Part II.H).
List of the Industrial Users	The Permittee must develop and maintain a master list of the industrial users introducing pollutants to the FOTW. The Permittee must submit this list within two years following the effective date of the NPDES permit (see Permit Part II.G.3).
Outfall Evaluation Report	The Permittee must submit this inspection with the next permit application (see Permit Part II.A).
Nitrogen Optimization Plan Initial Selection	The permittee must submit the initial strategy selection within 6 months of the effective date of the NPDES permit (See Permit Part II.B.1.a.ii).
Nitrogen Optimization Report	The Permittee must submit this report within 5 years following the effective date of the NPDES permit (see Permit Part II.B.4).

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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 Port Townsend Bay, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

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

Table 1. Effluent Limitations and Monitoring Requirements

Parameter	Units	Effluent Limitations			Monitoring Requirements		
		Average Monthly	Average Weekly	Maximum Daily	Sample Location	Sample Frequency ¹	Sample Type
Parameters with Effluent Limits							
Biochemical Oxygen Demand (BOD ₅)	mg/L	30	45	--	Influent and Effluent ²	1/week	24-hour composite ³
	lbs/day	9.0	14.0	--			Calculation ⁴
Biochemical Oxygen Demand (BOD ₅) Percent Removal	%	85% (minimum)	--	--	--	1/month	Calculation ⁵
Total Suspended Solids (TSS)	mg/L	30	45	--	Influent and Effluent	1/week	24-hour composite ³
	lbs/day	9.0	14.0	--			Calculation ⁴
TSS Percent Removal	%	85 (minimum)	--	--	--	1/month	Calculation ⁵
Total Inorganic Nitrogen (Interim limit)	mg/L	Report	--	--	Effluent	2/month ⁶	Calculation ⁷
	lbs/day	Report	--	--	Effluent	2/month ⁶	Calculation ⁸
Total Inorganic Nitrogen (Final limit)	mg/L	3.0	--	--	Effluent	2/month ⁶	Calculation ⁷
	lbs/day	1.1	--	--	Effluent	2/month ⁶	Calculation ⁸
Fecal coliform ⁹	CFU/100 ml	14	--	43 (instant. max) ¹⁰	Effluent	3/month ¹¹	Grab

Enterococci ⁹	CFU/ 100 ml	30	--	110 (instant. max) ¹⁰	Effluent	3/month ¹¹	Grab
pH	std units	Between 6.0 – 9.0			Effluent	5/week ¹²	Grab
Report Parameters							
Flow	MGD	Report	--	Report	Influent and Effluent ²	Continuous	Recording
CBOD ₅ ¹³	mg/L	Report	--	Report	Influent and Effluent	2/month ⁶	24-hour composite ³
Total Ammonia ¹⁴	mg/L as N	Report	--	Report	Influent and Effluent	2/month ⁶	24-hour composite ³
Nitrate plus Nitrite Nitrogen ¹⁴	mg/L as N	Report	--	Report	Influent and Effluent	2/month ⁶	24-hour composite ³
Total Kjeldahl Nitrogen (TKN)	mg/L as N	Report	--	Report	Influent and Effluent	1/month ¹⁵	24-hour composite ³
Total Organic Carbon	mg/L	Report	--	Report	Effluent	1/quarter ¹⁶	24-hour composite ³
Estimated Monthly Total Inorganic Nitrogen	lbs	Report			Effluent	1/month ¹⁵	Calculation ¹⁷
Annual Total Inorganic Nitrogen, year to date	lbs	Report			Effluent	1/month ¹⁵	Calculation ¹⁸
Temperature	°C	Report	--	Report	Effluent	Daily	Grab
Per- and Polyfluoroalkyl Substances (PFAS) ¹⁹	ng/L	Report	--	Report	Influent and Effluent ²	Quarterly ^{16,20}	Grab
	mg/kg dry weight	--	--	Report	Sludge	Quarterly ^{16,20}	Grab ²¹

Notes:

1. Sampling is only required when operating and discharging.
2. Influent monitoring is required at two locations – the Pier Plant and Main Plant inflows.
3. See 24-hour composite in “Definitions”. If flow is intermittent and occurs for less than 24 hours, collect a composite sample with 3 flow-proportional sample aliquots – one at the beginning of flow, one in the middle, and one at the end.
4. Loading (in lbs/day) is calculated by multiplying the concentration (in mg/L) by the corresponding flow (in mgd) for the day of sampling and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the *NPDES Self-Monitoring System User Guide* (EPA 833-B-85-100, March 1985).
5. Percent Removal. The monthly average percent removal must be calculated from the arithmetic mean of the total influent values and the arithmetic mean of the effluent values for that month using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration x 100. Influent and effluent samples must be taken over approximately the same time period. The total influent values must be flow-weighted averages of the influent values from the Pier Plant and the Main Plant.
6. 2/month means two (2) times during each month and on a rotational basis throughout the days of the week, except weekends and holidays.
7. TIN (mg/L) as N = Total Ammonia (mg/L as N) + Nitrate plus Nitrite (mg/L as N).

8. Calculate mass concurrently with the respective concentration of a sample, using the following formula: Concentration (in mg/L) X corresponding flow (in mgd) for the day of sampling X Conversion Factor (8.34) = lbs/day.
9. The average monthly fecal coliform and Enterococci bacteria counts must not exceed a geometric mean of 14/100 mL or 30/100 mL, respectively, based on a minimum of three samples well distributed throughout the calendar month. See Part VI of this permit for a definition of geometric mean. The Department of Ecology provides directions to calculate the monthly and weekly geometric mean in publication No. 04-10-020, Information Manual for Treatment Plant Operators available at: <https://fortress.wa.gov/ecy/publications/documents/0410020.pdf>.
10. Reporting is required within 24 hours of a maximum daily limit or instantaneous maximum limit violation. See Parts I.B.4 and III.G of this permit.
11. If the permittee is unable to collect a minimum of three samples due to the lack of discharge, sampling and reporting may be adjusted as follows: report the maximum value as the instantaneous maximum, do not report a geometric mean, and note the number of samples collected (one or two). If two samples are collected, also note the value of the second sample.
12. Samples must be taken on different days.
13. Take effluent samples for the CBOD₅ analysis before or after the disinfection process. If taken after, dechlorinate and reseed the sample.
14. Report daily flows on days when collecting total ammonia and nitrate plus nitrite samples.
15. 1/month means one (1) time during each month.
16. Quarterly sampling periods are January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. The Permittee must start quarterly monitoring with the first complete quarter of the permit term.
17. Calculate the monthly average total inorganic nitrogen load (lbs as N) using the following equation:
$$\text{Estimated monthly TIN load} = \frac{((\sum \text{Calculated TIN loads } (\frac{\text{lb}}{\text{day}} \text{ as N}))}{\text{number of samples}}) \times \text{number of days of flow in the calendar month}}$$
18. Calculate the annual total inorganic nitrogen, year to date, using the following calculation:
$$\text{Annual TIN load (lbs as N)} = \sum \text{Estimated monthly TIN loads, to date}$$
19. See Part I.B.8.
20. Monitoring for PFAS chemicals is required for 2 years (8 quarters), beginning at the start of the first complete quarter in the third year of the permit term.
21. Sludge sampling must occur in two locations, the Pier Plant and the Main Plant. The samples from each of the two locations must be a composite of sludge from both of the lagoons at the respective Plant.

2. Narrative limitations for floating, suspended or submerged matter:
 - a. The permittee must not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses.
 - b. The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA upon request. The surface water observation must be recorded at a minimum frequency of once per quarter.
3. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: enterococci bacteria, fecal coliform bacteria. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See Permit Parts III.D *Reporting of Monitoring Results* and III.I *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.
 - 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.E *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. Prior to approval of analytical methods for PFAS chemicals under 40 CFR 136, the permittee must use the latest revision of EPA Method 1633. After analytical methods for PFAS chemicals are approved under 40 CFR 136, the permittee may use any sufficiently sensitive approved analytical method. The PFAS chemicals that must be analyzed are listed in Table 2.

Table 2. PFAS Chemicals to be Analyzed

Target Analyte Name	Abbreviation	CAS Number
Perfluoroalkyl carboxylic acids		
Perfluorobutanoic acid	PFBA	375-22-4

Perfluoropentanoic acid	PFPeA	2706-90-3
Perfluorohexanoic acid	PFHxA	307-24-4
Perfluoroheptanoic acid	PFHpA	375-85-9
Perfluorooctanoic acid	PFOA	335-67-1
Perfluorononanoic acid	PFNA	375-95-1
Perfluorodecanoic acid	PFDA	335-76-2
Perfluoroundecanoic acid	PFUnA	2058-94-8
Perfluorododecanoic acid	PFDoA	307-55-1
Perfluorotridecanoic acid	PFTTrDA	72629-94-8
Perfluorotetradecanoic acid	PFTeDA	376-06-7
Perfluoroalkyl sulfonic acids (acid form)		
Perfluorobutanesulfonic acid	PFBS	375-73-5
Perfluoropentansulfonic acid	PFPeS	2706-91-4
Perfluorohexanesulfonic acid	PFHxS	355-46-4
Perfluoroheptanesulfonic acid	PFHpS	375-92-8
Perfluorooctanesulfonic acid	PFOS	1763-23-1
Perfluorononanesulfonic acid	PFNS	68259-12-1
Perfluorodecanesulfonic acid	PFDS	335-77-3
Perfluorododecanesulfonic acid	PFDoS	79780-39-5
Fluorotelomer sulfonic acids		
1H,1H, 2H, 2H-Perfluorohexane sulfonic acid	4:2FTS	757124-72-4
1H,1H, 2H, 2H-Perfluorooctane sulfonic acid	6:2FTS	27619-97-2
1H,1H, 2H, 2H-Perfluorodecane sulfonic acid	8:2FTS	39108-34-4
Perfluorooctane sulfonamides		
Perfluorooctanesulfonamide	PFOSA	754-91-6
N-methyl perfluorooctanesulfonamide	NMeFOSA	31506-32-8
N-ethyl perfluorooctanesulfonamide	NEtFOSA	4151-50-2
Perfluorooctane sulfonamidoacetic acids		
N-methyl perfluorooctanesulfonamidoacetic acid	NMeFOSAA	2355-31-9
N-ethyl perfluorooctanesulfonamidoacetic acid	NEtFOSAA	2991-50-6
Perfluorooctane sulfonamide ethanols		
N-methyl perfluorooctanesulfonamidoethanol	NMeFOSE	24448-09-7
N-ethyl perfluorooctanesulfonamidoethanol	NEtFOSE	1691-99-2
Per- and Polyfluoroether carboxylic acids		
Hexafluoropropylene oxide dimer acid	HFPO-DA	13252-13-6
4,8-Dioxa-3H-perfluorononanoic acid	ADONA	919005-14-4
Perfluoro-3-methoxypropanoic acid	PFMPA	377-73-1
Perfluoro-4-methoxybutanoic acid	PFMBA	863090-89-5
Nonafluoro-3,6-dioxaheptanoic acid	NFDHA	151772-58-6
Ether sulfonic acids		
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid	9Cl-PF3ONS	756426-58-1
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid	11Cl-PF3OUdS	763051-92-9
Perfluoro(2-ethoxyethane)sulfonic acid	PFEESA	113507-82-7

Fluorotelomer carboxylic acids		
3-Perfluoropropyl propanoic acid	3:3FTCA	356-02-5
2H,2H,3H,3H-Perfluorooctanoic acid	5:3FTCA	914637-49-3
3-Perfluoroheptyl propanoic acid	7:3FTCA	812-70-4

C. Surface Water Monitoring Report (SWMRP)

The permittee must conduct surface water monitoring. Surface water monitoring must start 180 days after the effective date of the permit and continue for as long as the permit is in effect. The program must meet the following requirements:

1. A sampling location must be established in Port Townsend Bay in the vicinity of this location: 48.0544° N, 122.7411° W. The permittee may suggest a different location at the edge of chronic mixing zone to EPA if preferred. Sampling timing should correspond with prevalent current. Monitor in direction of prevalent current at time of sampling.
2. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.
3. The current must be measured as near as practicable to the time that other ambient parameters are sampled.
4. Samples must be analyzed for the parameters listed in Table 3.
5. For all surface water monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
 - a. The method must detect and quantify the level of the pollutant, or
 - b. The permittee must use a method that can achieve MLs less than or equal to those specified in Appendix A. The permittee may request different MLs. The request must be in writing and must be approved by EPA.

Table 3. Surface Water Monitoring Requirements

Parameter	Units	Sample Type	No. of Samples per Sample Event	Sample Frequency ³
DO	mg/L	Grab	3 ¹	Quarterly
Enterococci bacteria	CFU/100 ml	Grab	1 ²	Quarterly
Fecal coliform bacteria	CFU/100 ml	Grab	1 ²	Quarterly
pH	Standard units	Grab	1	Quarterly
Salinity	g/kg	Grab	1	Quarterly
Temperature	°C	Grab	1	Quarterly

Parameter	Units	Sample Type	No. of Samples per Sample Event	Sample Frequency ³
<p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. Quarterly DO samples must be taken in upper third, middle third, and lower third of water column for a total of three individual samples. 2. Monitor at edge of chronic mixing zone in direction of prevalent current at time of sampling. 3. 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. 				

6. Quality assurance/quality control (QA/QC) plans for all the monitoring must be documented in the Quality Assurance Plan required under Permit Part II.D.
7. Submission of SW Monitoring
 - a. Surface water monitoring results must be reported on the monthly 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 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_WA0021997_SWMRP, where YYYY_MM_DD is the date that the permittee submits the report.

II. SPECIAL CONDITIONS

A. Outfall Evaluation Report

1. The draft permit requires the facility to inspect the submerged portion of the outfall pipe and diffuser to document its integrity and continued function, confirm and verify the outfall coordinates, and provide an inspection video. The inspection shall evaluate the structural condition of the submarine portion of the outfall, determine whether portions of the outfall are covered by sediments, and determine whether all diffuser ports are flowing freely. The facility must also perform a dye test to determine the structural integrity of the submarine outfall pipe. Photographic verification shall be included in the report. A report of this

inspection shall be submitted to EPA, together with the next permit application.

2. No later than the renewal application, the Permittee must submit an Outfall Evaluation Report documenting condition of the submerged portion of the outfall pipe.
3. The permittee must submit the Outfall Evaluation Report electronically as an attachment to the DMR. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0021997_Outfall_Evaluation, where
YYYY_MM_DD is the date that the permittee submits the report.

B. Nitrogen Optimization Plan

All discharges and activities authorized by this permit must comply with the terms and conditions of this permit. The facility must comply with the narrative BMP requirements listed in Table 4 in accordance with 40 CFR 122.44(k).

Table 4. Narrative BMP Requirements

Parameter	Narrative Effluent Limit
Monitoring	Monitor and report per requirements in Table 1 and Table 3.
Nitrogen Optimization Plan	Submit Optimization Plan per requirements below in II.B.1.

1. Nitrogen Optimization Plan and Report

The permittee must develop, implement, and maintain a Nitrogen Optimization Plan to evaluate and implement operational strategies for maximizing nitrogen removal from the existing treatment plant during the permit term. The permittee must document actions taken and apply an adaptive management approach at the WWTP. The permittee will quantify results with required monitoring under this Permit.

The Permittee must begin the actions described in this Part immediately upon permit coverage. Documentation of Nitrogen Optimization Plan implementation in the form of a Nitrogen Optimization Report must be completed and submitted electronically as an attachment using NetDMR (see Part III.B for instructions). This report must be submitted within 5 years from the effective date of this permit.

The Nitrogen Optimization Plan and Report submitted by the Permittee must include the following components:

a. Treatment Process Performance Assessment

The Permittee must assess the nitrogen removal potential of the current treatment process and have the ability to evaluate optimization strategies prior to implementation.

- i. *Evaluation.* The Permittee shall develop a treatment process assessment method for purposes of evaluating optimization approaches during the permit term:
 - a) Evaluate current (pre-optimization) process performance. Determine the empirical TIN removal rate for the WWTP.
 - b) Develop an initial assessment approach to evaluate possible optimization strategies at the WWTP prior to and after implementation.
 - c) Determine the optimization goal for the WWTP and apply the assessment. Develop and document a prioritized list of optimization strategies capable of achieving the optimization goal for the WWTP. Update this list as necessary to continuously maintain a selection of strategies for achieving each optimization goal identified.
 - d) The Permittee may exclude from the initial selection any optimization strategy considered but found to exceed a reasonable implementation cost or timeframe that exceeds one year. Documentation must include an explanation of the rationale and financial criteria used for the exclusion determination.

- ii. *Initial Selection.* By 6 months from the permit effective date identify the optimization strategy selected for implementation.

The permittee must document the expected % TIN removal (or the expected reduction in effluent load) for the selected optimization strategy prior to implementation. The selected optimization strategy and expected TIN removal must be summarized in a written Nitrogen Optimization Plan and submitted to EPA as an electronic attachment to the first DMR 24 months from the effective date of the permit. The file name of the electronic attachment must be as follows:

YYYY_MM_DD_WA0021997_NOP_Report_13099, where YYYY_MM_DD is the date that the permittee submits the written report.

2. Optimization Implementation

Permittee must document implementation of the selected optimization strategy as it is applied to the existing treatment process during the reporting period. Permittee must document all adaptive management following initial implementation through the permit term.

- a. *Strategy Implementation.* Describe how the selected strategy was implemented during the reporting period, following permit coverage. Including:

- i. Initial implementation costs and costs to operate and maintain the optimization strategy.
 - ii. Length of time for full implementation, including start date.
 - iii. Anticipated and unanticipated challenges.
 - iv. Any impacts to the overall treatment performance as a result of process changes.
 - b. *Load Evaluation*. The Permittee shall review effluent data collected during the reporting period to determine whether TIN loads are increasing.
 - i. Using all applicable monitoring data, determine the facility's annual average TIN concentration and load for each year during the reporting period.
 - ii. Determine the treatment plant's TIN removal rate at the end of each year. Compare the removal rate with the pre-optimization rate.
 - c. *Strategy Assessment*. Quantify the results of the implemented strategy and compare to the performance metric identified in the initial selected optimization strategy.

If the performance metric was not met and/or the TIN loading increased, apply adaptive management, re-evaluate the optimization strategies and the metric to identify the reason. Select a new optimization strategy for implementation and/or revise the performance metric. Document any updates to the implementation schedule and overall plan.

3. Influent Nitrogen Reductions Measures/Source Control

The Permittee must develop an ongoing program to reduce influent TIN loads from septage handling practices, industrial and other sources.

- a. Review sources of nitrogen and identify any possible pretreatment opportunities.
- b. Identify strategies for reducing TIN from sources discharging to the WWTP.

4. Nitrogen Optimization Report Submission

No later than 5 years from the effective date of the permit, the Permittee must submit a Nitrogen Optimization Report documenting optimization and the adaptive management used at their WWTP. The reporting period for this report will be for a minimum of three years from the effective date of the permit. The permittee must submit the Nitrogen Optimization Report electronically as an attachment using NetDMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0021997_NOP_Report_13099, where

YYYY_MM_DD is the date that the permittee submits the written report. The report must include the following:

- a. Describe the initial assessment process, optimization goal, the list of prioritized optimization strategies identified, and the strategy implemented. If any optimization strategies were found to not have a reasonable implementation cost or timeframe include description of the feasibility and cost analysis that led to exclusion of any approach(es).
- b. Identify whether the plant met or exceeded the pre-optimization empirical TIN removal rate in each year of this permit and also maintain or reduce TIN loads. If not, describe how the optimization strategy was revised in response to the evaluation, document the adaptive management steps, the assessment process, and the new optimization strategy or strategies identified, and the updated optimization goal(s) and performance metric(s).
- c. Identify the pre-optimization empirical TIN removal rates.
- d. Identify the expected TIN removal with the preferred optimization strategy.
- e. Describe optimization implementation including costs, time for full implementation, start date, challenges, and impacts to treatment performance.

C. Operation and Maintenance Plan

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

Within 12 months of the effective date of this permit, the permittee must submit written notice to EPA that the O&M Plan has been developed and implemented.

The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0021997_O&M_50108, where YYYY_MM_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA upon request.

D. 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 Part.

Within 12 months of the effective date of this permit, the permittee must submit written notice to EPA 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_WA0021997_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 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 upon request.

E. Implementation Schedule for TIN BAT Determination

1. The permittee must achieve compliance with the limitations in Table 1 by 10 years from permit effective date.

2. Until compliance with the effluent limits is achieved, at a minimum, the permittee must complete the tasks and reports listed in Table 5.

Table 5. Tasks Required Under the As Soon As Possible determination for TIN

Task No.	Due By	Task Activity
1	12 months from the effective date of the permit	Facility Planning Progress The permittee must report progress on a facility plan that evaluates alternatives to meet the final effluent limitations for TIN and select a preferred alternative. The facility plan will include a cost estimate for design and construction of the preferred alternative.
2	24 months from the effective date of the permit	Facility Planning Progress The permittee must report progress on a facility plan that evaluates alternatives to meet the final effluent limitations for TIN and select a preferred alternative. The facility plan will include a cost estimate for design and construction of the preferred alternative.
3	36 months from the effective date of the permit	Facility Planning Complete The permittee must complete the facility plan and select a preferred alternative.
4	48 months from the effective date of this permit.	Facility Funding Request The permittee must request the funds necessary to complete all facility upgrades/changes in facility operations outlined in the facility plan required to meet the final effluent limitations for TIN by the end of this schedule.
5	60 months from the effective date of the permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final effluent limitations for TIN.
6	72 months from the effective date of the permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final effluent limitations for TIN.
7	84 months from the effective date of the permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final effluent limitations for TIN.

8	96 months from the effective date of this permit	Facility Funding Complete The permittee must acquire the funds necessary to complete all facility upgrades/changes in facility operations outlined in the facility plan required to meet the final effluent limitations for TIN by the end of this schedule.
9	102 months from the effective date of the permit	Award Bid for Design and Construction The permittee must award a contract for design and construction of the preferred alternative.
10	108 months from the effective date of the permit	Construction Progress Report The permittee must report progress on construction to achieve the TIN effluent limitations.
11	120 months from the effective date of the permit	Construction Complete and Meet Effluent Limitation for TIN The permittee must complete construction, training, and optimization of process such that compliance with the TIN effluent limitations is achieved.
<p>Note: If compliance with the final TIN effluent limits is achieved sooner than the listed schedule, the permittee may submit the supporting documentation earlier than the dates listed above. The permittee must provide written notice to EPA that the TIN limits are achieved.</p>		

3. Even when not listed in the schedule of tasks in Table 5, the permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the effluent limitations. At a minimum, the annual report must include:
 - a. An assessment of the previous year of data and comparison to the effluent limitations.
 - b. A report on progress made towards meeting the effluent limitations, including the applicable deliverable required in Table 5.
 - c. Further actions and milestones targeted for the upcoming year.
4. The annual Report of Progress must be submitted by June 1 of each year. The first report is due June 1, 2024 and annually thereafter, until compliance with the effluent limits 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_WA0021997_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the written report.

F. Facility Planning Requirement

1. Design Criteria. The maximum design flows and waste loads for the permitted facility are shown in Table 6.

Table 6. Facility Design Criteria

Facility Design Criteria	Value	Units
Maximum Monthly Flow ¹	0.043	mgd
Maximum Monthly Effluent BOD ₅ Loading ²	9.0	lbs/day
Maximum Monthly Effluent TSS Loading ²	9.0	lbs/day
<u>Notes:</u> 1. Maximum monthly flow means the largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average. 2. Maximum monthly loading means the largest loading anticipated to occur during a continuous 30-day period, expressed as a daily average (for BOD ₅ or TSS).		

2. Plan for maintaining adequate capacity
 - a. Condition to trigger plan development
 - i. Each month, the Permittee must record the average daily flow, BOD₅ loading, and TSS loading entering the facility for that month.
 - ii. When the actual flow or waste loads for any two months during a 12-month period exceed the facility planning values listed in the Table above, the permittee must develop a new or updated plan and schedule for continuing to maintain capacity and maintain compliance with effluent limits.
 - b. Plan and schedule content. The plan and schedule must identify the actions necessary to maintain adequate capacity and to meet the limits and requirements of the permit. The Permittee must consider the following topics and actions in its plan:
 - i. Analysis of the present design and proposed process modifications
 - ii. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system
 - iii. Limits on future sewer extensions or connections or additional waste loads
 - iv. Modification or expansion of facilities
 - v. Reduction of industrial or commercial flows or waste loads

G. Industrial Waste Management

1. The Permittee must not authorize the introduction of pollutants that would inhibit, interfere, or otherwise be incompatible with operation of

the treatment works including interference with the use or disposal of sludge.

2. The Permittee must not authorize, under any circumstances, the introduction of the following pollutants to the facility from any source of nondomestic discharge:
 - a. Any pollutant which may cause Pass Through or Interference;
 - b. Pollutants which create a fire or explosion hazard in the facility, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F);
 - c. Pollutants which will cause corrosive structural damage to the facility, but in no case indirect discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such indirect discharges;
 - d. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the facility, or other interference with the operation of the facility;
 - e. Any pollutant, including oxygen demanding pollutants (e.g., BOD₅), released in an indirect discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the facility;
 - f. Heat in amounts which will inhibit biological activity in the facility resulting in Interference, but in no case heat in such quantities that the temperature at the facility treatment plant exceeds 40°C (104°F) unless the facility, approves alternate temperature limits;
 - g. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through at the facility;
 - h. Pollutants which result in the presence of toxic gases, vapors, or fumes within the facility in a quantity that may cause acute worker health and safety problems;
 - i. Any trucked or hauled pollutants, except at discharge points designated by the facility
 - j. Any specific pollutant which exceeds a local limitation established by the Permittee.
3. The Permittee must develop and maintain a master list of the industrial users introducing pollutants to the facility. Industrial user means any source of indirect discharge from a non-domestic source. This list must identify:
 - a. Names and addresses of all industrial users;
 - b. Which industrial users are significant industrial users (SIUs) (see Part II.G.5);

- c. Which standards are applicable to each industrial user (those listed under Part II.G.2, above, or those described in the Directive or Instruction, as described in Part II.G.6)); and
 - d. Which industrial users may discharge PFAS chemicals to the collection system.
4. The Permittee must submit this list, along with a summary description of the sources and information gathering methods used to develop this list, to EPA within two years following the effective date of the NPDES permit. The permittee may submit the list as an electronic attachment to NetDMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0021997_Industrial User_12099, where YYYY_MM_DD is the date that the permittee submits the written notification.
5. For the purposes of this list development, the term SIU means:
 - a. Any other industrial user that:
 - i. discharges an average of 25,000 gallons per day or more of process wastewater to the facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - ii. contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the facility treatment plant; or
 - iii. is designated as such by EPA or the Permittee on the basis that the industrial user has a reasonable potential for adversely affecting the facility's operation.
6. The Permittee must have or develop an enforceable Directive or Instruction, signed by the Installation Commanding Officer, to authorize or enable the facility to apply and enforce facility discharge requirements.
7. The Permittee must submit the Directive or Instruction to the Director, Enforcement and Compliance Assurance Division via email (r10enforcement@epa.gov) with the subject line "CWA NPDES_WA0021997_Municipal Code." The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0021997_Municipal Code, where YYYY_MM_DD is the date that the permittee submits the report.

H. Emergency Response and Public Notification Plan

1. The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the permit. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control and unanticipated bypass or upset that exceed any effluent limitation in the permit;
 - b. Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceed any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;
 - c. Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
 - d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained; and
 - e. Provide emergency operations.
2. The permittee must submit written notice to EPA that the plan has been developed and implemented within 180 days of the effective date of this permit. Any existing emergency response and public notification plan may be modified for compliance with this Part.
 3. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0021997_ERPNP, where YYYY_MM_DD is the date that the permittee submits the written notification.

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.E, *Monitoring Procedures*. The permittee must report all additional monitoring in accordance with Permit Part III.F, *Additional Monitoring by Permittee*.

B. Reporting of Monitoring Results

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

1. Monitoring data must be submitted electronically to EPA no later than the 28th of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Permit Part V.E, *Signatory Requirements*.
3. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee must submit all reports to EPA as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0021997_Report Type Name_Identifying Code,
where YYYY_MM_DD is the date that the permittee submits the attachment.
4. 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 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*);
 - d. any violation of a maximum daily discharge limitation for applicable pollutants identified by Table 1; or
 - e. any overflow prior to the treatment works over which the permittee has ownership or has operational control. An overflow is any spill, release or diversion of municipal sewage including:
 - i. an overflow that results in a discharge to waters of the United States; and
 - ii. an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral) that does not reach waters of the United States.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under Part III.I.1 above. The written submission must contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - e. if the noncompliance involves an overflow, the written submission must contain:
 - i. The location of the overflow;

- ii. The receiving water (if there is one);
 - iii. An estimate of the volume of the overflow;
 - iv. A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
 - v. The estimated date and time when the overflow began and stopped or will be stopped;
 - vi. The cause or suspected cause of the overflow;
 - vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
 - viii. An estimate of the number of persons who came into contact with wastewater from the overflow; and
 - ix. Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.
3. The Director of the Enforcement and Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846. The permittee must sign and certify the report in accordance with the requirements of Permit Part V.E, *Signatory Requirements*. Reports must be submitted via email to R10enforcement@epa.gov with the subject line "CWA NPDES_WA0021997_Noncompliance Report." The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0021997_Noncompliance Report, where YYYY_MM_DD is that date that the permittee submits the report.
4. Whether or not the requirement to submit the written report to EPA is waived, a copy of the report must be sent to the Port Gamble S'Klallam Tribe Natural Resources Department at the following address:

Port Gamble S'Klallam Tribe
Natural Resources Department
31912 Little Boston Road NE
Kingston, WA 98346

Copies of the report must also be emailed to Roma Call (romac@pgst.nsn.us) and Joshua Carter (jcarter@pgst.nsn.us).

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.D, *Reporting of Monitoring Results* are submitted. The reports must contain the information listed in Permit Part III.I.2.

I. Public Notification

The permittee must immediately notify the public, health agencies and other affected entities (e.g., public water systems) of any overflow which the permittee owns or has operational control; or any unanticipated bypass or upset that exceeds any effluent limitation in the permit in accordance with the notification procedures developed in accordance with Permit Part II.H., *Emergency Response and Public Notification Plan*.

J. Notice of New Introduction of Toxic Pollutants

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

1. Any new introduction of pollutants into the facility from an indirect discharger which would be subject to CWA §§ 301 or 306 if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the facility by a source introducing pollutants into the facility at the time of issuance of the permit.
3. For the purposes of this Part, adequate notice must include information on:
 - a. The quality and quantity of effluent to be introduced into the facility, and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility.
4. The permittee must notify the Director of the Water Division via email at EPAR10WD-NPDES@epa.gov with the subject line "CWA NPDES_WA0021997_New Pollutants." The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0021997_New Pollutants, where YYYY_MM_DD is the date that the permittee submits the notice.

K. Compliance Schedules

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

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318

or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$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 (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (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 (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (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 Parts IV.F.2 and IV.F.3 below.
2. Notice.
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Permit Part III.I, *Twenty-four Hour Notice of Noncompliance Reporting*.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director of the Enforcement and Compliance Assurance Division may take enforcement action against the permittee for a bypass, unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii. The permittee submitted notices as required under Part IV.F.2 above.
 - 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 Part IV.F.3.a above.

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 Part IV.G.2 below. 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.I, *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.L.4 and Washington Department of Ecology as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

J. Anticipated Noncompliance

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

K. Reopener

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

V. GENERAL PROVISIONS

A. Permit Actions

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

B. Duty to Reapply

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

C. Duty to Provide Information

The permittee must furnish to EPA, within the time specified in the request, any information that EPA 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, 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, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA 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 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.
3. Changes to authorization. If an authorization under Part V.E.2 above 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 Part V.E.2 must be submitted to the Director of Enforcement and Compliance Assurance Division prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

F. Availability of Reports

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at

the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry

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

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

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Water Division at the address specified in Permit Part III.L.4 The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

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

VI. DEFINITIONS

1. "Act" means the Clean Water Act.
2. "Acute Toxic Unit" ("TUa") is a measure of acute toxicity. TUa is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., 100/"LC50").
3. "Administrator" means the Administrator of the EPA, or an authorized representative.
4. Approval Authority means the Administrator of the EPA, or an authorized representative.
5. "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.
6. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
7. "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.
8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. "Composite" - see "24-hour composite".
10. "CWA" means Clean Water Act
11. "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.
12. "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.
13. "Director of the Water Division" means the Director of the Water Division, EPA Region 10, or an authorized representative.
14. "DMR" means discharge monitoring report.

15. "Ecology" means the Washington Department of Ecology.
16. "EPA" means the United States Environmental Protection Agency.
17. "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.
18. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
19. "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).
20. "Indirect Discharge" means the introduction of pollutants into a facility from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
21. "Industrial User" means a source of "Indirect Discharge."
22. "Interference" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) Inhibits or disrupts the facility, its treatment processes or operations, or its sludge processes, use or disposal; and 2) Therefore is a cause of a violation of any requirement of the facility's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
23. "LC₅₀" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.
24. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
25. "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.
26. "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.

27. "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.
28. "Pass Through" means a Discharge which exits the facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the facility's NPDES permit (including an increase in the magnitude or duration of a violation).
29. 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).
30. "QA/QC" means quality assurance/quality control.
31. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
32. "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.
33. "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.
34. "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 the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Appendix A: Minimum Levels

The Table below lists the maximum Minimum Level (ML) for pollutants 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
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
Nitrate + Nitrite Nitrogen (as N)	100
Nitrogen, Total Kjeldahl (as N)	300
Salinity	3 practical salinity units or scale (PSU or PSS)