

Permit No.: AK-004353-2

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

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. §1251 et seq.; the "Act"),

The City of Pelican, Alaska
Wastewater Treatment Facility

is authorized to discharge from a facility located in Pelican, Alaska to receiving waters named Lisianski Inlet at latitude 57°57'21" N and longitude 136°13'41" W in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective October 28, 1985.

This permit and the authorization to discharge shall expire at midnight, October 28, 1990.

Signed this 27th day of September 1985.



Robert S. Burd
Director, Water Division, Region 10
U.S. Environmental Protection Agency

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

I. Effluent Limitations, Monitoring Requirements, and Compliance Schedules

- A. Specific Limitations and Monitoring Requirements
- B. Additional Monitoring Requirements
- C. Compliance Schedules
- D. Definitions

II. Monitoring, Recording, and Reporting Requirements

- A. Representative Sampling
- B. Monitoring Procedures
- C. Penalties for Tampering
- D. Reporting of Monitoring Results
- E. Compliance Schedules
- F. Additional Monitoring by the Permittee
- G. Records Contents
- H. Retention of Records
- I. Twenty-four Hour Notice of Noncompliance Reporting
- J. Other Noncompliance Reporting
- K. Inspection and Entry

III. Compliance Responsibilities

- A. Duty to Comply
- B. Penalties for Violations of Permit Conditions
- C. Need to Halt or Reduce Activity not a Defense
- D. Duty to Mitigate
- E. Proper Operation and Maintenance
- F. Removed Substances
- G. Bypass of Treatment Facilities
- H. Upset Conditions

IV. General Requirements

- A. Notice of New Introduction of Pollutants
- B. Control of Undesirable Pollutants
- C. Requirements for Industrial Users
- D. Planned Changes
- E. Anticipated Noncompliance
- F. Permit Actions
- G. Duty to Reapply
- H. Duty to Provide Information
- I. Other Information
- J. Signatory Requirements
- K. Penalties for Falsification of Reports
- L. Availability of Reports
- M. Oil and Hazardous Substance Liability
- N. Property Rights
- O. Severability
- P. Transfers
- Q. State Laws

I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS, AND COMPLIANCE SCHEDULES

A. Specific Limitations and Monitoring Requirements. During the period beginning on the completion date of the wastewater treatment facility (see Compliance Schedules, Part I.C.1.) and lasting until the expiration date of this permit, the discharges from the outfall shall be limited and monitored by the permittee as specified below.

1. Effluent limitations.

- a. The monthly average quantity of effluent discharged from the wastewater treatment facility shall not exceed 0.0841 mgd.
- b. The pH shall not be less than 6.5 standard units nor greater than 8.5 standard units.
- c. There shall be no discharge of floating solids, visible foam in other than trace amounts, or wastes which produce a sheen on the surface of the receiving water.
- d. The following effluent limitations shall apply:

<u>Effluent Characteristics</u>	<u>Monthly Average</u>	<u>Unit of Measurement</u>
Biochemical Oxygen Demand (5-day) (BOD ₅)	190 133	mg/l lb/day
Total Suspended Solids (TSS)	140 98	mg/l lb/day

2. Effluent monitoring requirements.

- a. The following monitoring requirements shall apply:

<u>Tests</u>	<u>Sample Point</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
pH	effluent	weekly	grab
Flow	influent or effluent	daily	continuous
BOD ₅	effluent	monthly	grab
TSS	effluent	monthly	grab
Fecal Coliform Bacteria (FC)	effluent	3 times/year	grab

- b. Effluent monitoring results shall be reported as specified in Part II.D. (Reporting of Monitoring Results). The first reporting period ends on the last day of the first month of plant operation.
 - c. Samples and measurements taken in compliance with the monitoring requirements shall be representative of the volume and nature of the monitored discharge.
 - d. Analytical methods and associated quality control procedures for analyses of pollutants shall be as specified in 40 CFR 136. Fecal coliform bacteria samples shall be analyzed using the most probable number (MPN) procedure as specified in EPA 600/8-78-017 (Microbiological Methods for Monitoring the Environment). Alternate methods may be used if approved by the Water Division Director, EPA, Region 10 (hereafter referred to as the "Director").
 - e. Fecal coliform bacterial concentration in the effluent shall be measured three times per year, once during each of the months of April, June, and August.
 - f. Disinfection of the waste discharge is not required at this time. Should future information indicate that public health is endangered, that recreational activities are adversely impacted, or that violations of water quality standards occur, a requirement for disinfection and an effluent limit for Total Available (Residual) Chlorine may be developed after consultation with the Alaska Department of Environmental Conservation (ADEC).
 - g. The permittee shall participate in Discharge Monitoring Report Quality Assurance (DMR-QA) studies by analyzing quality control samples as requested.
 - h. Following results of the first year of effluent monitoring the sampling frequencies may be reduced by the Director.
 - i. The permittee shall measure and report as part of the discharge monitoring reports specified in Part II.D. (Reporting Monitoring Results) the sludge depth in the septic tank at a minimum frequency of once every four months and provide proper disposal of sludge based upon the design volume of the tank.
- B. Additional Monitoring Requirements. The permittee shall implement the water quality and biological monitoring programs as described below. The primary objectives of these programs are to monitor for discharge-related ecosystem impacts, to assess whether changes in permit conditions are warranted, and to provide data for evaluating reissuance of this permit.
1. Water quality monitoring program. The objective of this program is to determine compliance with water quality standards and the criteria in Section 301(h) of the Act.

- a. Water column monitoring program. Using standard monitoring and quality control procedures, four stations shall be sampled. Two stations shall be located on the boundary of the zone of initial dilution (ZID) on the northwest and southeast sides; or if the plume is visible, samples shall be collected in the plume and at the opposite side of the ZID. The other two stations will be reference stations located at least 3000 feet to the northwest and southeast of the ZID and along the north shore of Lisianski Inlet. Reference stations should be located at sites where water depth is equivalent to that at the outfall. Once station locations have been established, all subsequent sampling of these parameters shall occur at the same locations. At each station, the following parameters shall be measured at the surface, 30 feet above the bottom, and 5 feet above the bottom:

- temperature
- salinity
- dissolved oxygen (DO)
- pH
- secchi disk depth (surface only)

Water quality sampling shall be conducted in August during three years: once prior to plant operation (1986), once during the first year after discharge begins (1988), and once during the fourth year of this permit (1989). Sampling will commence at slack low tide, with stations at the ZID boundary sampled first. Water quality sampling shall be conducted on the same day that effluent samples are obtained for BOD₅, TSS, and fecal coliform bacteria concentrations. Sampling results shall be reported as specified in Part I.B.3. (Additional Monitoring Requirements).

- b. Water current monitoring program. During August of the first year of the permit (1986), during spring tides, current speed and direction shall be determined at the center of the ZID at the following depths: surface, 30 feet above the bottom, and five feet above the bottom. Measurements shall be conducted continuously over at least a three day period and results shall be summarized for the various stages of the tidal cycle. A report of field data and a summary of results shall be reported as specified in Part I.B.3. (Additional Monitoring Requirements).

- c. Fecal coliform monitoring program. If the water current monitoring program conducted during the first year of the permit indicates that the effluent plume is carried towards the recreational site located on the tideflats east of the outfall, monitoring of this site for fecal coliform bacteria shall be required three times per year, once during each of the months of April, June, and August. Samples for measurement of bacterial levels shall be collected intertidally from the surface waters (top 15 cm) during flood or high slack tide. All samples shall be analyzed for fecal coliform bacteria concentrations using the MPN method specified in I.A.2.d. (Specific Limitations and Monitoring Requirements). Samples shall be collected on the same day that the effluent is sampled for fecal coliform bacteria concentrations. Based on the results of these or other relevant fecal coliform studies, the Director may alter the monitoring frequency and station locations.
2. Biological monitoring program. The objective of this program is to evaluate whether the discharge causes changes in the amount of organic material in the seafloor sediment and, if so, whether any changes occur in the benthic community.

- a. Sample collection. At each of three station locations, a diver shall randomly collect two replicate sediment samples for analysis of total volatile solids content (TVS), and five replicate sediment samples (two of which are collected directly adjacent to the TVS samples) for analysis, if required, of the benthic community. Stations shall be located (1) within the ZID, (2) beyond the ZID boundary (within 15 feet of the boundary), and (3) at a reference station. The reference station shall be at the same depth as the outfall, and have the same sediment type as that present at the outfall. The reference station shall be at least 3000 feet northwest from the discharge site.

The samples for TVS analysis will each consist of 500 ml of sediment from the surface 2 cm.

Sediment samples for possible benthic community analysis shall be collected using a cylindrical core sampler with a cross-sectional area of at least 0.015 m². Samples will be taken to a sediment depth of 10 cm.

Sampling frequency for the above samples shall be once during August of the first year (1986) and once during August of the fourth year of the permit period (1989).

- b. Sample processing.
 - (1) The TVS samples should be placed in individual plastic bags or glass jars, labeled, cooled, and held at 4° C within approximately four hours of sample collection. The analysis of the TVS samples must be completed within one month of sample collection.

- (2) Sediment samples for benthic community analysis shall be passed through a 1.0 mm mesh screen. Organisms retained on the screen shall be placed in individual glass jars (for each replicate sample) labeled as to collection site, date, and replicate number, and preserved with buffered 10% formalin (buffered with borax) within four hours of sample collection.

Within one week of sample collection, the formalin shall be carefully poured from these samples through a 1.0 mm (or smaller) mesh screen, so as not to lose any organisms, and replaced with a solution of 70% alcohol, 5% glycerine, and 25% water. The stored samples for benthic community analysis should be inspected every 3 months and any alcohol which has evaporated from the jars should be replaced and their condition (and the name of the inspector) recorded.

These samples shall be stored for 5 years, however, no samples shall be discarded without written consent from the Director. Analyses of benthic community organisms may be required in the future if the Director determines that substantial changes have occurred in the total volatile solids content of the sediments around the discharge. The decision on whether or not the stored organisms obtained from the sediment samples shall be analyzed for benthic community composition will be made after the Director has received the scheduled TVS analyses.

3. Reporting requirements. The permittee shall submit to the Director the following written information detailing results of the monitoring required under Part I.B. (Additional Monitoring Requirements):
 - (1) A narrative description of the sampling procedures and locations, a map of the stations sampled, a copy of all data collected during each calendar year, a copy of the data encoded onto Ocean Data Evaluation System (ODES) forms, and a summary of any trends in data as a function of depth or distance from the outfall;
 - (2) Any observed surfacing of the effluent plume in a visible boil, the presence of floatable material, and any surface film, sheen, or discoloration;
 - (3) Detailed observations of the benthic samples from the ZID, ZID boundary and reference site (including, for example, the sediment odor and color, percent fullness of the grab, and any noticeable differences in the composition of the benthic community); and
 - (4) Number of samples collected and location where these samples are stored.

These reports shall be signed and certified as specified in Part IV.J. (Signatory Requirements) and submitted to the Director by December 31 of the year in which sampling occurred. However, when fecal coliform sampling is required, these sampling results shall be reported during the month following sample collection, as specified in Part II.D. (Reporting of Monitoring Results).

In addition, annual reports containing the quarterly dates of inspection of sediment samples for benthic community analysis during that year, the names of those inspecting the samples, and the condition of the samples shall be submitted by December 31 of each year of the permit. After the Director reviews the above information, a list of the organisms found in each replicate benthic community sample (identified to the species level) may be required. The species identification and enumeration for each replicate sampled, if required, must be submitted to the Director within four months of the date it is requested.

C. Compliance Schedules.

1. Construction. The permittee shall construct a treatment facility as specified in the completed Section 301(h) waiver application submitted May 8, 1984, including an outfall extending 500 feet offshore and a diffuser which discharges at a depth of 60 feet below MLLW.

<u>Activity</u>	<u>Date</u>
Begin construction	June 30, 1987
Complete construction	January 31, 1988

The permittee shall fulfill the reporting requirements as specified in Part II. E. (Compliance schedules) of this permit.

2. Industrial user survey. The permittee must conduct an industrial user survey prior to completion of treatment plant construction. Based upon the results of this survey, the permittee must provide an updated certification that no known or suspected sources of toxic pollutants or pesticides exist in the treatment plant service area.

<u>Activity</u>	<u>Date</u>
Industrial user survey.	January 31, 1988
Updated certification that there are no known or suspected sources of toxic pollutants or pesticides.	January 31, 1988

3. Nonindustrial source control. The Section 301(h) regulations require that the permittee develop a public education program designed to minimize the entrance of nonindustrial toxic pollutants and pesticides into its treatment plant. The following activities are required:

<u>Activity</u>	<u>Date</u>
Distribute public education pamphlets to citizens.	January 31, 1988 (Before plant operation)
Redistribute pamphlets.	August 31, 1989

The permittee shall fulfill the reporting requirements as specified in Part II. E. (Compliance Schedules) of this permit.

4. Monitoring reports. The permittee shall submit required monitoring reports as specified by Parts I.A. (Specific Limitations and Monitoring Requirements), I.B. (Additional Monitoring Requirements), and II.D. (Reporting of Monitoring Results) according to the following schedule:

<u>Monitoring Report</u>	<u>Permit Part</u>	<u>Frequency</u>	<u>Date</u>
Effluent (DMR)	I.A.2.b. I.A.2.i.	Monthly (beginning February 1988)	10th day of the month following sampling
Water column	I.B.1.a. I.B.3.	1986, 1988, 1989	December 31
Water current	I.B.1.b. I.B.3.	1986	December 31
Intertidal fecal coliform at recreational sites (if required)	I.B.1.c.	3 times/year (beginning in 1987)	10th day of the month following sampling
Biological (TVS) (benthic organisms)	I.B.2.a.-b. I.B.2.b. I.B.3.	1986, 1989 1986, 1989	December 31 Within 4 months of request
Inspection of benthic sample condition	I.B.3.	Yearly (beginning in 1986)	December 31

D. Definitions.

1. The "monthly average", other than for fecal coliform bacteria, is the arithmetic mean of samples collected during a calendar month. The monthly average for fecal coliform bacteria is the geometric mean of samples collected during a calendar month.

2. The "weekly average," other than for fecal coliform bacteria, is the arithmetic mean of samples collected during a calendar week. The weekly average for fecal coliform bacteria is the geometric mean of samples collected during a calendar week.
3. A "grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
4. "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.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "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.
7. Abbreviations are defined below:
 - BOD₅ = five-day biochemical oxygen demand
 - FC MPN = fecal coliform concentration, expressed as the most probable number per 100 ml
 - lb/day = pounds per day
 - mgd = million gallons per day
 - mg/l = milligrams per liter
 - ml = milliliter
 - TSS = total suspended solids
 - TVS = total volatile solids
 - ZID = zone of initial dilution. The seafloor and water column within a cylinder centered vertically over the outfall diffuser, extending to the surface of the water and having a radius equal to the height of the water at mean tide level (63.1 feet).

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I (Effluent Limitations, Monitoring Requirements, and Compliance Schedules) shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. 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 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Results of effluent monitoring (as required in Part I.A.2.b., Specific Limitations and Monitoring Requirements) shall be summarized each month on Discharge Monitoring Report (DMR) forms (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J. (Signatory Requirements) and submitted to the Director, Water Division and the State agency at the following addresses:
- original to: United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101
- Attn: Water Compliance Section, Mail Stop 513
- copy to: Alaska Department of Environmental Conservation
Southeast Regional Office
P.O. Box 2420
Juneau, Alaska 98803
- E. 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 (Part I.C., Compliance Schedules) shall be submitted no later than 10 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities);
 - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
 2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall 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 reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 442-1213.
4. Reports shall be submitted to the addresses in Part II.D. (Reporting of Monitoring Results).
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. (Reporting of Monitoring Results) are submitted. The reports shall contain the information listed in Part II.I.2. (Notice of Noncompliance Reporting).
- K. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, 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 Clean Water Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Except as provided in permit conditions on Part III.G. (Bypass of Treatment Facilities) and Part III.H. (Upset Conditions), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I. (Twenty-four Hour Notice of Noncompliance Reporting).
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) 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 which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Director 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 section.

H. 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 requirements of paragraph 2 of this section are met. 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. A permittee who wishes to establish the affirmative defense of upset shall 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 Part II.I. (Twenty-four Hour Notice of Noncompliance Reporting); and
 - d. The permittee complied with any remedial measures required under Part III.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.

IV. GENERAL REQUIREMENTS

- A. Notice of New Introduction of Pollutants. The permittee shall provide adequate notice to the Director of:
 1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
 2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
 3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works; and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- B. Control of Undesirable Pollutants. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
 1. Wastes which will create a fire or explosion hazard in the treatment works.

2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes.
 3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works.
 4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.
 5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. Requirements for Industrial Users. The permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- D. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.
- E. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- G. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- H. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

- I. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- J. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director; and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to authorization. If an authorization under paragraph IV.J.2. (Signatory Requirements) 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 IV.J.2. must be submitted to the Director 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 section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- K. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- L. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the state water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- M. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- N. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- O. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- P. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- Q. 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 Section 510 of the Act.