

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 Whittier, Alaska
Wastewater Treatment Plant

is authorized to discharge to receiving waters named Passage Canal in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on December 28, 1983

This permit and the authorization to discharge shall expire at midnight on December 27, 1988

Signed this 28th day of November 1983.

Ernesta B. Barnes
Regional Administrator
Environmental Protection Agency
Region 10

City of Whittier, Alaska
Wastewater Treatment Plant
Permit No. AK-002540-2

MONITORING AND REPORTING DATES TO REMEMBER

<u>Program</u>	<u>Implementation Date</u>	<u>Reporting Date</u>
Effluent Monitoring	Ongoing	10th Day of following month
Biological Monitoring	October 1983	December 31, 1983
Water Quality Monitoring	August or September 1984	October 31, 1984
Water Quality and Biological Monitoring	August or September 1987	October 31, 1987
Updated Industrial User Survey	January - March 1988	April 1, 1988
Public Education Program (Distribute pamphlets)	1) December 1, 1983 2) December 1, 1986	December 31, 1983 December 31, 1986
Other Nonindustrial Source Control Actions (if applicable)	-	Annually by December 31

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the completion date of the wastewater treatment facility (see Schedules of Compliance, Section C.1.) and lasting until the expiration date, 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 303 m³/day (0.08 mgd).
- b. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.
- c. There shall be no discharge of floating solids, visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
- d. The following effluent limitations shall apply:

<u>Effluent Characteristics</u>	<u>Unit of Measurement</u>	<u>Monthly Average</u>
Biochemical Oxygen Demand (5-day)	mg/l kg/day (1b/day)	175 53 (117)
Total Suspended Solids	mg/l kg/day (1b/day)	165 50 (110)

2. Effluent Monitoring Requirements

- a. The following monitoring requirements shall apply from April 1 to September 30:

<u>Tests</u>	<u>Sample Point</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
pH	effluent	monthly	grab
Flow	influent or effluent	weekly	calculated
BOD ₅	effluent	monthly	grab
Settleable Solids	effluent	monthly	grab
Suspended Solids	effluent	monthly	grab

- b. Samples and measurements taken in compliance with the monitoring requirements shall be representative of the volume and nature of the monitored discharge.
- c. Analytical methods and associated quality control procedures for analysis of pollutants shall be as specified in 40 CFR 136. However, the pH may be measured with pH paper and the flow may be calculated from the pump's hour meter. Additional alternate methods may be used if approved by the Regional Administrator.
- d. Disinfection of the waste discharge is not required at this time. Should future studies indicate that the health of the public is endangered or that violations of water quality standards are occurring, disinfection may be required. This requirement will be implemented after consultation with the permittee and the Department of Environmental Conservation and consideration of the potential impact of disinfection on aquatic life in Passage Canal.
- e. The permittee shall participate in performance evaluation studies (DMR-QA) by analyzing quality control samples as requested.
- f. Following results of the first year of effluent monitoring, the sampling frequencies may be modified by EPA.
- g. The permittee shall measure the sludge depth in the septic tanks at a minimum frequency of once every four months.

3. Definitions

- (a) The "monthly average," is the arithmetic mean of samples collected during a calendar month.
- (b) mgd = million gallons per day
- (c) m³/day = cubic meters per day
- (d) mg/l = milligrams per liter
- (e) lb/day = pounds per day
- (f) kg/day = kilograms per day
- (g) ZID = zone of initial dilution, which is centered over Whittier's outfall diffuser and has the following dimensions: width of 29 m (94 ft), length of 37 m (121 ft), and the water column above that area. The length of the ZID shall be parallel to the length of the diffuser.

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 Clean Water Act.

- a. Using standard monitoring and quality control procedures, the following parameters shall be measured at surface, mid-depth and bottom at two stations on the boundary of the ZID (at opposite sides) and at two reference sites:

dissolved oxygen
pH
secchi disk depth (surface only)

The reference sites should be at least 200 m from the ZID, in opposite directions along the shore, and at the same depth as the outfall. Water quality sampling shall be conducted once during the first year and once during the fourth year of this permit (in August or September) and reported as specified in Part D.2.

- b. Levels of fecal coliform bacteria shall be measured once per month from April 1 to September 30 in nearby shallow intertidal surface waters. The surface water at four locations will be sampled. These locations include: the ZID boundary, an intertidal site directly shoreward of the discharge, and two intertidal sites in opposite directions from the discharge. These two distant intertidal sites shall be approximately 200 m from the location where the discharge pipe crosses the beach. However, if any specific areas receive recreational use, these areas should be selected as one or both of these distant intertidal sites. This bacterial monitoring will occur during each year unless the first year's program indicates that the discharge is not likely to result in measurable levels of fecal coliforms near recreational sites. In that case, EPA may reduce the monitoring frequency.
- c. Monitoring reports shall note any observed surfacing of the effluent plume in a visible boil, the presence of floatable material, and any surface film, sheen, or discoloration. These reports shall contain a narrative description of the sampling procedures and locations, a map of the stations sampled and a copy of all data collected during each calendar year. Fecal coliform sampling results shall be submitted monthly.

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 in the biological community living on the bottom.

a. Sample collection.

A diver shall collect five randomly selected replicate sediment samples for analysis of the benthic organism community at each of the following station locations: within the ZID, beyond the ZID boundary (within 5 meters of the boundary) and at two reference stations. These biological reference stations need not be sampled during the first year of monitoring. Samples shall be collected for measurement of total volatile solids with two of the five replicates at each of the above stations. The reference stations shall be at the same depth as the outfall, and have the same sediment consistency as would be found at the outfall site, if no effluent were being discharged there. These reference stations shall each be at least 200 meters from the discharge site and in opposite directions along the shore.

Sediment samples for benthic community analysis shall be collected with a cylindrical core sampler with a cross-sectional area of 0.015 m² (a 2 pound coffee can may be used). Samples will be taken to a sediment depth of 10 cm (4 inches). Approximately 500 ml (one pint) of sediment shall also be collected for total volatile solids (TVS) analysis. These smaller TVS samples should be collected beside two core samples at each station mentioned above. The TVS samples should consist of sediments from the surface 2.0 cm (.8 inch).

Sampling frequency for the above samples shall be once (in late summer or early fall) during the first year and once during the fourth year of the permit period.

b. Sample processing.

- (1) Samples for benthic community analysis shall be passed through a 1.0 mm mesh screen. All organisms retained shall be placed in glass jars (for each replicate sample), labeled as to collection site and date, and preserved with buffered 10% formalin (buffered with borax) within four hours of sample collection. Within one week of sample collection, the formalin should be carefully poured from these samples and replaced with 70% alcohol. In addition, glycerine, at a concentration of approximately 1/4 oz. of glycerine to each quart of alcohol, shall be added to each jar containing biological samples. These samples will be stored and analyses may be required in the future if EPA,

Region 10, 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 samples shall be analyzed for benthic community make-up will be made after Region 10 has received all diver observations and TVS analyses (in the fourth year of this permit). The stored samples for benthic community analysis should be inspected every two to three months and any alcohol which has evaporated from the jars should be replaced.

- (2) The TVS samples should be placed in individual plastic bags or glass jars, labelled and frozen within four hours of sample collection. The analysis of the TVS samples must be completed within one month of sample collection.
- c. Reporting requirements. As specified in Part D.2, the permittee shall submit the following written information to EPA, Region 10:
- (1) A map of the locations sampled.
 - (2) Detailed diver observations of the biological and sediment conditions at the ZID, ZID boundary and reference sites (including, for example, the numerically dominant species, the approximate number of these organisms per m², and differences in appearance of surface sediments at the locations sampled).
 - (3) Notes regarding sampling procedures, number of samples collected and location where these samples are stored.
 - (4) The results of the TVS analysis from each location.

After EPA, Region 10, reviews the above information, a list of the organisms found in each replicate sample (identified to the species level) may be required. The species identification and enumeration for each replicate sampled, if required, must be submitted to EPA, Region 10, within four months of the date it is requested.

C. SCHEDULES OF COMPLIANCE

1. Construction

The permittee shall construct a treatment facility as specified in the Section 301(h) waiver application, including an outfall and diffuser to a depth of 48 feet (14.6 m) below MLLW.

<u>Activity</u>	<u>Date</u>
Complete construction.	December 1, 1983

The permittee shall fulfill the reporting requirements as specified in Part D.6 of this permit.

2. 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 POTW.

<u>Activity</u>	<u>Date</u>
Distribute public education pamphlets to citizens.	December 1, 1983
Redistribute pamphlets	December 1, 1986

The permittee shall fulfill the reporting requirements as specified in Part D.3 of this permit.

D. REPORTING REQUIREMENTS

Duplicate copies of all reports herein, shall be signed and certified in accordance with the requirements of the Signatory Requirements Section under General Requirements, and submitted to the Regional Administrator and the State agency at the following addresses:

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

Attn: Water Compliance Section, Mail Stop 513

Alaska Department of Environmental Conservation
Southcentral Regional Office
437 "E" Street, Suite 200
Anchorage, Alaska 99501

1. Effluent Monitoring

- a. Effluent monitoring results, as specified in Part A, shall be summarized and reported each month on a Discharge Monitoring Report form (DMR; EPA No. 3320-1). Reports shall be postmarked by the 10th day of the month following the reporting period. The first reporting period ends on April 30, 1984.
- b. If the permittee monitors any effluent characteristic more frequently than required by Part A (Effluent Monitoring Requirements) of the permit, using test procedures approved under 40 CFR Part 136, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

2. Additional Monitoring

The following reports shall be submitted by the dates specified below:

<u>Report</u>	<u>Date</u>
Biological Monitoring	December 31, 1983
Water Quality Monitoring	October 31, 1984
Water Quality and Biological Monitoring	October 31, 1987
Updated Industrial User Survey	April 1, 1988

The monitoring reports shall summarize the most recent results of the water quality and biological monitoring programs specified in Part B. In addition to the summary, the report shall contain analyses of the data and recommendations (if any) for monitoring program modifications.

3. Non-industrial Source Control Program Compliance

A report shall be submitted annually by December 31, summarizing the actions being undertaken to control non-industrial sources of toxic pollutants and pesticides.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling or measurements.
- b. The individual(s) who performed the sampling or measurements.
- c. The date(s) analyses were performed.
- d. The individual(s) who performed the analyses.
- e. The analytical techniques or methods used.
- f. The results of such analyses.

5. Records Retention

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 Regional Administrator at any time.

6. Schedule of Compliance

No later than 14 calendar days following a date identified in Part C., the permittee shall submit either a report of progress or, in the case of specific actions required by identified dates, a written notice of compliance or noncompliance. (See Non-compliance Reporting under Reporting Requirements.)

7. Noncompliance Reporting

- a. No later than 14 calendar days following a date identified in the Schedules of Compliance Part C., the permittee shall submit a written notice of noncompliance if the required item was not submitted within the time period allowed. The notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled activity.

- b. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the noncompliance discharge. (Phone number: (206) 442-2709 or (206) 442-2723.) A written submission shall also be provided within 5 days and shall contain:
 - i) A description of the noncompliance and its cause.
 - ii) The period of noncompliance, including exact dates and times.
 - iii) The estimated time noncompliance is expected to continue if it has not been corrected.
 - iv) Steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance.

The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- c. The following shall be included as instances which must be reported within 24 hours:
 - i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See Bypass of Treatment Facilities under General Requirements).
 - ii) Any upset which exceeds any effluent limitation in the permit. (See Upset Conditions under General Requirements).
 - iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in the permit to be reported within 24 hours.
- d. The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- e. The permittee shall report all instances of noncompliance not reported under paragraphs b., c., and d., of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph b. of this section.

8. Planned Changes

The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility that would affect the waste discharge or compliance status.

9. Notice of New Introduction of Pollutants

a. The permittee shall provide adequate notice to the Regional Administrator of:

- i) Any new introduction of pollutants into the treatment system from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants.
- ii) Any substantial change in the volume or character of pollutants being introduced into the treatment system by a source introducing pollutants into the treatment works at the time of issuance of the permit.

b. Such notice shall include information on:

- i) The quality and quantity of effluent to be introduced into such treatment system.
- ii) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such treatment system.

10. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the State water pollution control agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential.

E. GENERAL REQUIREMENTS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act 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 also comply with any effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. 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. Application must be made at least 180 days prior to the expiration date of this permit.

3. Duty to Provide Information

- a. The permittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator 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 Regional Administrator, upon request, copies of records required to be kept by this permit.
- b. 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 Regional Administrator, it shall promptly submit such facts or information.

4. Need to Halt or Reduce Not a Defense

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

5. Signatory Requirements

- a. All permit applications shall be signed by either a principal executive officer or ranking elected official.

- b. All reports required by this permit and other information requested by the Regional Administrator shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- i) The authorization is made in writing by a person described in paragraph a. of this section.
 - ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
 - iii) The written authorization is submitted to the Regional Administrator.
- c. If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph a. of this section must be submitted to the Regional Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- d. Any person signing a document under paragraphs a. or b. of 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."

6. 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 include effective performance, adequate funding, adequate operator staffing and training, and adequate

laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

7. 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. The permittee shall take all steps necessary to minimize or correct any bypass or upset. Occurrence of any bypass or upset shall be reported in accordance with paragraphs 8 and 9 of this section. A detailed plan describing the method and schedule needed to rectify the bypass or upset shall be submitted with the report. This plan will include steps necessary to correct the bypass or upset in as short a time as feasible.

8. Bypass

a. Definitions:

- i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities 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.

b. 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 c. and d. which immediately follow.

c. Notification:

- i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible at least 10 days before the date of the bypass.
- ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of becoming aware of the circumstances as required. (See Non-compliance Reporting under Reporting Requirements).

d. Prohibition of bypass.

Bypass is prohibited, and the Regional Administrator may take enforcement action against a permittee for bypass, unless:

- i) 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 the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
- iii) The permittee submitted notices as required under paragraph c. above, and the bypass has been approved by the Regional Administrator.

9. Upset

- a. Definition: "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.
- b. 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 c. below 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.
- c. 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:
 - i) An upset occurred and that the permittee can identify the specific cause(s) of the upset.
 - ii) The permitted facility was at the time being properly operated.

iii) The permittee submitted notice of the upset as required.
(See Non-compliance Reporting under Reporting Requirements).

(iv) The permittee complied with any required remedial
measures. (See Duty to Mitigate under General
Requirements).

d. Burden of Proof. In any enforcement proceeding the permittee
seeking to establish the occurrence of an upset has the burden
of proof.

10. Control of Undesirable Pollutants

Under no circumstances shall the permittee allow introduction of the
following wastes into the waste treatment system:

- a. Wastes which will create a fire or explosion hazard in the
treatment works.
- b. Wastes which will cause corrosive structural damage to the
treatment works, but in no case, with a pH lower than 5.0,
unless the works is designed to accommodate such wastes.
- c. Solid or viscous substances in amounts which cause obstructions
to the flow in sewers, or interference with the proper operation
of the treatment works.
- d. 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.
- e. 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.

11. 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.

12. Removed Substances

Collected screenings, grit, sludges, and other solids removed in the
course of treatment or control of wastewaters shall be disposed of in
a manner so as to prevent entry of those wastes or runoff from such
materials into waters of the United States.

13. Inspection and Entry

The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

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

14. Penalties

- a. Penalties for violations of permit conditions. The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water 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 Clean Water 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 1 year, or both.
- b. Penalties for tampering. The Clean Water 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 6 months per violation, or by both.
- c. Penalties for falsification of reports. The Clean Water 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 6 months per violation, or by both.

15. Permit Actions

- a. This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR §122.62 - §122.64, §125.62 and §125.64. Cause for taking such action includes but is not limited to:
 - i) Failure to comply with any terms or conditions of this permit.
 - ii) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - iii) Endangerment to human health or the environment resulting from the permitted activity.
 - iv) Acquisition of newly obtained information which would have justified the application of different permit conditions if known at the time of permit issuance.
- b. 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 conditions.

16. 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 Clean Water Act.

17. Property Rights

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.

18. 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.