

United States Environmental Protection Agency
 Region 10
 1200 Sixth Avenue Suite 155
 Seattle, Washington 98101-3140

**Authorization to Discharge under the
 National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”,

McNary Lock and Dam
 82925 DeVore Road
 Umatilla, Oregon 97882

is authorized to discharge from the McNary Lock and Dam located in Umatilla, Oregon, at the following location(s):

| Outfall | Receiving Water | Latitude | Longitude |
|----------------|------------------------|-----------------|------------------|
| 021 | Columbia River | 45° 56' 24" N | 119° 17' 6" W |
| 022 | Columbia River | 45° 56' 2" N | 119° 18' 6" W |

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

This permit shall become effective **July 1, 2023**

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

The permittee shall reapply for a permit reissuance on or before **January 2, 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.

signed/ May 8, 2021 Daniel Opalski

Daniel D. Opalski, Director
 Water Division

This permit modification is effective on _____.

Mathew Martinson, Branch Manager
Permitting, Drinking Water, and Infrastructure

Schedule of Submissions

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

| Item | Due Date |
|--|--|
| 1. Discharge Monitoring Reports (DMR) | DMRs are due monthly and must be postmarked on or before the 20 th day of the month. |
| 2. Quality Assurance Plan (QAP) | The permittee must submit the QAP to EPA for review and approval within 180 days after the effective date of the final permit (see II.A.). The Plan must be kept on site and made available to EPA and Ecology upon request. |
| 3. Best Management Practices (BMP) Plan | The permittee must submit a BMP Plan to EPA for review and approval within 180 days of the effective date of the permit (see II.B.). The Plan must be kept on site and made available to EPA and Ecology upon request. |
| 4. BMP Annual Report | The permittee must submit a BMP Annual Report to EPA by February 28 following the first calendar year of permit coverage, and annually thereafter (see II.B.). The Annual Reports must be kept on site and made available to EPA and Ecology upon request. |
| 5. Environmentally Acceptable Lubricants (EAL) Annual Report | The permittee must submit the initial EAL Annual Report by February 28 following the first calendar year of permit coverage to EPA and Ecology for review and approval. The permittee must submit subsequent EAL Annual Reports to EPA for review and approval by February 28 each year (see II.C.). |
| 6. Polychlorinated Biphenyls (PCB) Management Plan | The permittee must submit the PCB Management Plan to EPA and Ecology for review and approval within one year of the effective date of the permit (see II.D.). The Plan must be kept on site and made available to EPA and Ecology upon request. |
| 7. PCB Annual Report | The permittee must submit the PCB Annual Report to EPA for review and approval by February 28 following the first calendar year of permit coverage, and annually thereafter (see II.D.). |
| 8. Water Quality Attainment Plan (WQAP) | The permittee must submit a Water Quality Attainment Plan scope to Ecology and Oregon Department of Environmental Quality (DEQ) for review within one year of the effective date of the permit. The permittee must submit a final Water Quality Attainment Plan to Ecology and Oregon DEQ for review and approval within two years of the effective date of the permit (see II.E). |

| | |
|--|---|
| 9. Monitoring Records | Monitoring records must be retained for a period of at least five years (see III.F.). |
| 10. Twenty-Four Hour Notice of Noncompliance Reporting | The permittee must report certain occurrences of noncompliance to EPA by telephone within 24 hours from the time the permittee becomes aware of the circumstances (see III.G.). |
| 11. NPDES Application Renewal | The NPDES permit application must be submitted to EPA at least 180 days before the expiration date of the permit (see V.B.). |

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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 the Columbia River, 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 is prohibited from discharging hazardous material in concentrations that pose a threat to public health or impair the beneficial uses of the receiving water.
2. The permittee is prohibited from discharging toxic substances in concentrations that impair the designated beneficial uses of the receiving water.
3. The permittee is prohibited from discharging deleterious materials in concentrations that impair the beneficial uses of the receiving water.
4. The permittee is prohibited from discharging a visible oil sheen, floating, suspended or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair the beneficial uses of the receiving water. There shall be no foam other than in trace amounts.

The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water at a minimum of once per week and report in monthly DMRs. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of a visible oil sheen, floating, suspended or submerged matter. If the permittee observes a visible oil sheen at any time, they must record it in the log. The log must be retained and made available to EPA or Ecology upon request.

5. The permittee is prohibited from discharging excess nutrients that can cause visible slime growth or other nuisance aquatic growths impairing beneficial uses of the receiving water.
6. The permittee is prohibited from discharging polychlorinated biphenyl (PCB) compounds such as those commonly used for transformer fluid. (See Part II.D.)
7. The permittee must limit and monitor discharges from all outfalls 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 tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
8. Monitoring for each outfall is to be conducted and reported in accordance with Part III.

Table 1. Effluent Limitation and Monitoring Requirements for Outfalls 021 and 022: Navigation Lock Sumps

| Parameter | Units | Effluent Limitations | Monitoring Requirements | | |
|---|-----------|--------------------------------------|-------------------------|--------------------------------|--------------------------|
| | | | Sample Location | Sample Frequency | Sample Type |
| Parameters With Effluent Limits | | | | | |
| Oil and grease | mg/L | 5 (daily maximum ¹) | Effluent | 1/week or 1/month ² | Grab |
| pH | std units | Between 7 – 8.5 | Effluent | 1/week or 1/month ³ | Grab |
| Report Parameters | | | | | |
| Flow | mgd | Report | Effluent | 1/month | Measurement/ Calculation |
| Visible Oil Sheen, Floating, Suspended, or Submerged Matter | -- | See Paragraph I.B.4. of this permit. | | | Visual Observation |
| Notes | | | | | |
| <ol style="list-style-type: none"> 1. Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is calculated as the average measurement of a pollutant during a calendar day 2. In the first year of the permit, if there is no detection of oil and grease in an outfall, the required monitoring frequency for that outfall is reduced to 1/month. If there are exceedances in an outfall in the first year of the permit, the frequency will remain 1/week for oil and grease in the outfall for the remainder of the permit term. 3. During the first year after the effective date of the permit, the required monitoring frequency is 1/week. In subsequent years, the required monitoring frequency is 1/month. | | | | | |

9. Flood/high water discharges shall comply with the requirements in Appendix B.6.
10. Violations of all effluent limits are to be reported at the time that discharge monitoring reports (DMRs) are submitted (See III.B. and III.H.).
11. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
12. 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 Part III.C.
13. 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}.”
14. 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, the ML, in assessing compliance.
15. For those instances when there is no discharge from an outfall, report No Data Indicator Code (NODI) in the DMR.

II. Special Conditions

A. Quality Assurance Plan (QAP)

The permittee must develop a QAP for all monitoring required by this permit. Any existing QAPs may be modified for compliance with this section.

Within 180 days of the effective date of this permit, the permittee must submit a QAP to EPA for review and approval. The permittee may submit the QAP as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026824_QAP_55099, where YYYY_MM_DD is the date that the permittee submits the QAP. The plan must be retained on site and made available to EPA and Ecology upon request.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent 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 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). Copies of these documents can be found <https://www.epa.gov/quality/epa-qar-5-epa-requirements-quality-assurance-project-plans> and <https://www.epa.gov/quality/guidance-quality-assurance-project-plans-epa-qag-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, detailed sampling location, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - b) Map(s) indicating the location of each sampling point.
 - c) Qualification and training of all personnel involved with water quality sampling.
 - d) Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field transfer blanks (sample blanks).
 - e) 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 and submit the revised QAP to EPA for review and approval.
5. Copies of the QAP must be kept on site and made available to EPA and Ecology upon request.
6. If EPA does not respond within 30 days after the QAP or amended QAP has been submitted for EPA approval, the plan is considered approved by EPA.

B. Best Management Practices (BMP) Plan

1. The permittee shall develop and implement a BMP Plan which incorporates practices that achieve the objectives and specific requirements listed below and those specified in Appendix B. The permittee must operate the hydroelectric generating facility in accordance with this BMP Plan and with subsequent amendments to the Plan. The BMP Plan shall be prepared in accordance with good engineering practices.
2. The BMP Plan must be consistent with the objectives listed in the general guidance contained in the publication entitled *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA-833-93-004, 1993) and any subsequent revisions to this guidance document.
3. Deadlines for BMP Plan Preparation and Compliance
 - a) The BMP Plan for this facility shall be prepared, and except as provided elsewhere in this permit, shall provide for compliance with the terms of the permit and the BMP Plan, no later than within 180 days from the effective date of the permit.

- b) The permittee must submit a BMP Plan to EPA for review and approval within 180 days of the effective date of the permit. The permittee may submit the BMP Plan as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0026824_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the BMP Plan.
- c) The BMP Plan must be retained on site and made available to EPA and Ecology upon request.

4. Signature and BMP Plan Review

- a) The BMP Plan shall be signed in accordance with Part V.E. (“Signatory Requirement”) and be retained onsite at the facility in accordance with Part III.F. (“Retention of Records”).
- b) The permittee shall make the BMP Plan available upon request to the Director, or an authorized representative.
- c) The Director, or an authorized representative, may notify the permittee at any time that the BMP Plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the BMP Plan and identify which provisions of the BMP Plan require modifications in order to meet the minimum requirements of this Part. Within 30 days of such notification from the Director, (or as otherwise provided by the Director), or an authorized representative, the permittee shall make the required changes to the BMP Plan and shall submit to the Director a revised BMP Plan with the requested changes for review and approval.

5. BMP Plan Modification

- a) The permittee shall amend the BMP Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the BMP Plan proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objectives of controlling pollutants in the internal facility drainage water discharges. Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above and in Appendix B. The permittee must submit the revised BMP plan to EPA for review and approval.
- b) The permittee must prepare a BMP Annual Report documenting the effectiveness of all BMPs implemented onsite, including the measures that were effective or ineffective, and the adaptive management that has occurred as a result.

- c) The BMP Annual Report must report sampling data that is designed in a way to quantify source identification and reductions in order to substantiate the adaptive management process. The sample and design and data analysis including methods and method reporting levels, must be included in the QAP (Part II.A) and updated as necessary.
 - d) The BMP Annual Report must include the adaptive management procedures implemented based on the results of all monitoring used to evaluate BMPs.
 - e) The permittee must submit the BMP Annual Report by February 28 following the first calendar year of permit coverage, and annually thereafter. The Report must be signed in accordance with Part V.E.
 - f) The permittee may submit the Report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026824_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the Report.
6. Reporting of BMP incidents. Prepare a written report to EPA and Ecology, after the incident has been successfully addressed, describing the circumstances leading to the incident, corrective actions taken, and recommended changes to operation and maintenance practices and procedures to prevent incident recurrence. The report must be submitted according to Part III.H.
 7. The permittee must maintain a copy of the BMP Plan on-site at the facility and make it available to EPA or an authorized representative upon request.
 8. If EPA does not respond within 30 days after the BMP Plan or amended BMP Plan has been submitted for EPA approval, the plan is considered approved by EPA.

C. Environmentally Acceptable Lubricants (EALs)

1. The permittee must select EALs for all oil to water interfaces including wicket gates, bearings, lubricated wire ropes, Kaplan runners and other in-line equipment, unless technically infeasible. EALs should be consistent with the definition of EPA's 2011 report, Environmentally Acceptable Lubricants. For purposes of requirements related to EALs, technically infeasible means that no EAL products are approved for use in a given application that meet manufacturer specifications for that equipment; products which come pre-lubricated (e.g., wire ropes) and have no available alternatives manufactured with EALs; or products meeting a manufacturer's specifications are not available.
2. The permittee must prepare an EAL Annual Report on equipment under Part II.C.1 and describe the implementation and feasibility of EALs.

3. The EAL Annual Report shall include:
 - a) A list of all equipment that have oil to water interfaces;
 - b) An evaluation of the technical feasibility for using EALs for each equipment;
 - c) Timeline for using EALs for equipment, where technically feasible; and
 - d) An annual update on progress towards implementing EALs.

The EAL Annual Report may use other EAL reports and studies that have been completed or will be completed to satisfy all or part of the EAL Annual Report requirement so long as the items listed above in this section are included. If other reports satisfy part of the items listed above, the permittee must supplement these reports with additional information to satisfy the EAL Annual Report requirement.

4. The permittee must submit the initial EAL Annual Report by February 28 following the first calendar year of permit coverage to EPA and Ecology for review and approval. The permittee must submit subsequent EAL Annual Reports to EPA for review and approval by February 28 each year. The EAL Annual Reports must be comprehensive, complete, accurate, and concur with the state's interpretation of technical feasibility. Annual EAL reports must be signed in accordance with Part V.E.
5. The permittee may submit the EAL Annual Report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026824_EAL_05899, where YYYY_MM_DD is the date that the permittee submits the EAL Annual Report.
6. If EPA does not respond within 30 days after the EAL Annual Reports have been submitted for EPA approval, the plan is considered approved by EPA. If Ecology does not respond within 30 days after the first EAL Annual Report has been submitted for Ecology approval, the plan is considered approved by Ecology.

D. PCB Management Plan

1. The permittee must develop a PCB Management Plan (PMP) within one year of the effective date of the permit. This PMP must include:
 - a) A general description of sources of PCBs on the premises previously removed, replaced, remediated or reclassified, including the date the action was taken.
 - b) A list of all potential sources of PCBs at the dam with potential pathways to interact with discharge water associated with outfalls covered by this permit.
 - c) A description of actions that have been established prior to the issuance of this permit, to prevent and/or track releases of PCBs from potential PCB sources, such as containing/isolating PCB sources.
 - d) A description of actions that will be taken during the remainder of the permit

cycle to prevent, track, and address releases of PCBs from potential PCB sources listed in Part II.D.1(b), which must include BMPs that will decrease the likelihood of PCB releases.

- e) Any outfalls identified as having potential pathways for PCB release must be identified explicitly. These outfalls will require characterization monitoring as described in Part II.D.3 below. The PMP must have a detailed explanation for why outfalls are or are not expected to be a pathway for PCB releases. At a minimum, the following should be considered: presence of transformers; exposure to equipment, paint, caulk, oil, or other materials that may have legacy PCBs; outfalls that could discharge PCBs if there is a failure in containment equipment.
2. The permittee must submit the PMP to EPA and Ecology within one year from the effective date of the permit for review and approval. The PMP must be submitted as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026778_PMP_55099, where YYYY_MM_DD is the date that the permittee submits the PMP. The PMP must be retained on site and made available to EPA and Ecology upon request.
 3. The permittee must conduct characterization monitoring during two consecutive years of the permit cycle using EPA analysis method 608.3 on the discharge water associated with outfalls identified in Part II.D.1(e), above. Monitoring must take place four times during the two-year sampling window – once each year when the river temperature is high (July through September) and once each year when the river temperature is cool (December through February). If PCBs are detected in the discharge water of a given outfall, then a detailed source identification investigation must be conducted, including plans to implement BMPs to address the identified PCB sources.
 4. The permittee must prepare a PCB Annual Report by February 28 following the first calendar year of permit coverage, and annually thereafter. This PCB Annual Report must describe the following:
 - a) Results from the characterization monitoring (for two-year sampling window only) including the outfalls sampled, sample date, date of analysis, sample results, method(s), reporting limit and method detection limit.
 - b) Results of the source identification investigation(s), including plans to implement BMPs to address the identified PCB sources, and progress on implementing these BMPs.
 - c) Progress to date in implementing the PCB Plan, evaluating the effectiveness of BMPs in preventing PCB releases.
 - d) How new actions will be taken to optimize effectiveness during the remainder of the permit cycle.

5. The PCB Annual Report must be submitted to EPA for review and approval. The permittee must submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0026824_PCB_Annual_Report_55099, where
YYYY_MM_DD is the date that the permittee submits the report. The PCB Annual Report must be retained on site and made available to EPA and Ecology upon request.
6. If EPA does not respond within 30 days after the PMP or PCB Annual Report has been submitted for EPA approval, the plan is considered approved by EPA. If Ecology does not respond within 30 days after the PMP has been submitted for Ecology approval, the plan is considered approved by Ecology.

E. Clean Water Act Section 401-Related Conditions

1. The permittee must implement temperature control strategies and meet the load allocations in the Columbia and Lower Snake Rivers Temperature TMDL (RCW 90.48.080 and WAC 173-201A-510(5)).
2. The permittee must consult with Ecology to develop a water quality attainment plan (WQAP) per the conditions below:
 - a) The WQAP shall include all applicable requirements in WAC 173-201A-510(5) *Compliance schedule for Dams*, and must include a detailed strategy for achieving Washington's water quality standards for temperature and associated designated uses, including but not limited to, conditions in fish bypass systems of the dam.
 - b) The permittee must provide the scope of the WQAP to Ecology for review one year after the permit effective date.
 - c) The permittee must provide the final WQAP to Ecology for approval within two years of the permit effective date.
 - d) The permittee must submit a progress report to Ecology for approval within six years of the effective permit date. The permittee must submit a summary report to Ecology for approval within nine years of the permit effective date and prior to the end of the ten-year dam compliance period.
 - e) The permittee must contact EPA if Ecology does not approve the final WQAP or summary report within 60 days of submittal.
3. The permittee must consult with Oregon DEQ on the following conditions of the WQAP per the conditions below:
 - a) The WQAP must include a detailed strategy for achieving Oregon's water quality standards for temperature at Permit Part II.E.3.b., including interim milestones and timelines for when the strategy will be implemented.

- b) The permittee must provide the final WQAP to Oregon DEQ within two years of the permit effective date for review and approval of actions to achieve the following standards:
 - i. 13°C for the salmon and steelhead spawning through fry emergence designated use at RM 141.5-143.5 in the Lower Columbia River (to protect chum salmon spawning) from October 15 – March 31 below Bonneville Dam [OAR-340-041-0101-Table 101B; OAR 340-041-0028(4)(a)];
 - ii. Seasonal thermal pattern in the Columbia River [OAR 340-041-0028(4)(d)]; and
 - iii. Cold water refugia [OAR 340-041-0028(4)(d)].
 - c) The permittee must submit a progress report to Oregon DEQ for approval within six years of the permit effective date. The permittee must submit a summary report to Oregon DEQ for approval of the actions for the standards at Permit Part II.E.3.b.
 - d) The permittee must contact EPA if Oregon DEQ does not approve the final WQAP or summary report within 60 days of submittal.
4. The permittee must comply with total dissolved gas standards in WAC 173-201A-200(1)(f), or any future modification to the standards thereof.
 5. The permittee must submit WQAP reports to Ecology and Oregon DEQ to the following addresses, unless agreed upon by Ecology and Oregon DEQ:

Water Quality Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Columbia River Coordinator
Oregon Department of Environmental Quality
700 NE Multnomah St. Ste 600
Portland, OR 97232

III. General 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 Part I.B. of this permit 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 Part III.C. (“Monitoring Procedures”). The permittee must report all additional monitoring in accordance with Part III.D. (“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 20th 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 Part V.E., of this permit. (“Signatory Requirements”).
3. The permittee must submit copies of the DMRs and other reports to Ecology.
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA and Ecology as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0026824_Report Type Name_Identifying Code, where YYYY_MM_DD is the date that the permittee submits the attachment.
5. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from: <https://netdmr.epa.gov/>
6. The permittee is not required to monitor when the facility is not discharging. However, the DMR must indicate the facility is not discharging and must be submitted as described in Part III.B. The permittee must submit a monthly DMR even if a discharge has not occurred, unless permit coverage has been terminated in accordance with Part V.K. of this permit.

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 or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses; and
7. the certification requirements as identified in Part V.E.4.

F. Retention of Records

The permittee must retain records of all monitoring information, including but not limited to, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or Ecology 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 results in or contributes to an exceedance of any effluent limitation in the permit (See Part IV.G., "Bypass of Treatment Facilities");
 - c) any upset that results in or contributes to an exceedance of any effluent limitation in the permit (See Part IV.H., "Upset Conditions"); or
2. The permittee must also provide a written submission within five calendar days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

3. The Director of the Enforcement and Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846. The permittee must contact the Ecology Central Regional Office within 24 hours by telephone, 509-575-2490.
4. The permittee must sign and certify the report in accordance with the requirements of Permit Part V.E., Signatory Requirements.
 - a) Reports must be submitted via email to R10enforcement@epa.gov with the subject line "CWA NPDES_WA0026824_Noncompliance Report." The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0026824_Noncompliance Report, where
YYYY_MM_DD is that date that the permittee submits the report.
 - b) A copy must also be submitted to Washington Department of Ecology at the following address, unless agreed upon by Ecology:

Washington Department of Ecology
Central Regional Office
1250 West Alder Street
Union Gap, Washington 98903-0009

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 Part III.B. ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G. of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. Changes in Discharge of Toxic Pollutants

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

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
 - a) One hundred micrograms per liter (100 ug/l);
 - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) Five hundred micrograms per liter (500 ug/l);
 - b) One milligram per liter (1 mg/l) for antimony;
 - c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must notify the Director of the Water Division via email at EPAR10WD-NPDES@epa.gov with the subject line “CWA NPDES_WA0026824_Toxic_Pollutants_Change.” The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0026824_Toxic_Pollutants_Change, where
YYYY_MM_DD is the date that the permittee submits the notice.

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 Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 USC § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L. 114-74) (currently \$59,973 per day for each violation).
2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as

amended by the Debt Collection Improvement Act of 1996 (31 USC § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L. 114-74) (currently \$23,989 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$59,973). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 USC § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L. 114-74) (currently \$23,989 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$299,857).

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

F. Removed Substances

All collected screenings, grit, solids, sludge, and/or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in a manner such as to prevent such pollutants from entering the waters of the United States.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

2. Notice.
 - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible, at least 10 days before the date of the bypass.
 - b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G (“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:
 - (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 that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this Part.
 - b) The Director of the Enforcement and Compliance Assurance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3(a) of this Part.

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 permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b) The permitted facility was at the time being properly operated;
 - c) The permittee submitted notice of the upset as required under Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and

- d) The permittee complied with any remedial measures required under 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.

I. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Act 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.

J. Planned Changes

The permittee must give written notice to the Director of the Water Division as specified in Part III.I.3. and Ecology as, specified in Permit Part III.G.4, 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 subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I (“Changes in Discharge of Toxic Substances”).

K. Anticipated Noncompliance

The permittee must give written advance notice to the Director of the Enforcement and Compliance Assurance Division and Ecology of any planned changes in the permitted facility or activity that may result in noncompliance with this 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 and Ecology, within the time specified in the request, any information that EPA or Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or Ecology, upon request, copies of records required to be kept by this permit.

D. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or Ecology, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA and Ecology 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 Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a) The authorization is made in writing by a person described above;
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c) The written authorization is submitted to the Director of the Enforcement and Compliance Assurance Division and Ecology.
3. Changes to authorization. If an authorization under Part V.E.2 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 the Enforcement and Compliance Assurance Division and Ecology 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 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; Ecology; 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. 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 CWA or Section 106 of CERCLA.

I. Property Rights

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

J. Transfers

This permit is not transferable to any person except after written notice to the Director of the Water Division as specified in Part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

K. State Laws

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

VI. Definitions

1. “Act” means the Clean Water Act.
2. “Administrator” means the Administrator of EPA, or an authorized representative.
3. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
4. “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
6. “Conventional pollutant” means BOD, TSS, bacteria, oil and grease, and pH as defined in 40 CFR 401.16.
7. “Continuous discharge” means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities [40 CFR 122.2].
8. “CWA” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR 122.2].
9. “Daily discharge” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
10. “Designated Use” means those beneficial uses assigned to identified waters in Washington Department of Ecology, WAC 172-201A, “Water Quality Standards for Surface Waters of the State of Washington,” Sections 200 through 210, whether or not the uses are being attained.
11. “The Director” means the Regional Administrator of EPA Region 10, or the Director of EPA Region 10 Water Division, the Washington Department of Ecology, or an authorized representative thereof.

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. “Discharge” when used without qualification meant the “discharge of a pollutant.”
15. “Discharge Monitoring Report (DMR)” means EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees [40 CFR 122.2].
16. “Discharge of a pollutant” means any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any “indirect discharger” [40 CFR 122.2].
17. “Draft permit” means a document prepared under 40 CFR 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a “permit” [40 CFR 122.2].
18. “Effluent limitation” means any restriction imposed by the Director on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States,” the waters of the “contiguous zone,” or the ocean [40 CFR 122.2].
19. “Effluent limitations guidelines (ELG)” means a regulation published by the Administrator under section 304(b) of CWA to adopt or revise “effluent limitations” [40 CFR 122.2].
20. “Environmentally Acceptable Lubricants” means lubricants that are “biodegradable” and “minimally-toxic,” and are “not bioaccumulative” as defined in this permit. For purposes of this permit, products meeting this permit’s definitions of being an “Environmentally Acceptable Lubricant” include those labeled by the following labeling programs: Blue Angel, European Ecolabel, Nordic Swan, the Swedish Standards SS 155434 and 155470, and EPA’s Design for the Environment (DfE).
21. “EPA” means the United States Environmental Protection Agency.
22. “Excluded waters,” or prohibited waters, means water bodies not authorized as receiving waters to be covered under this general NPDES permit.

23. “Facility” means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
24. “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.
25. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
26. “Hazardous Material” means a material or combination of materials which presents a substantial present or potential hazard to human health, the public health, or the environment. It is defined at 40 CFR 122.2 to mean any substance designated under 40 CFR 116, pursuant to Section 311 of the CWA.
27. “Indian Country” as indicated by 18 U.S.C. § 1151 means: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and, (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.
28. “Indian Tribe” means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation [40 CFR 122.2].
29. “Influent” means the water from upstream that enters into the facility.
30. “Maximum” means the highest measured discharge or pollutant in a waste stream during the time period of interest.
31. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
32. “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.
33. “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.
34. “Monthly Average Limit” means the average of “daily discharges” over a monitoring month, calculated as the sum of all “daily discharges” measured during a monitoring month divided by the number of “daily discharges” measured during that month [40 CFR 122.2].

35. “NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
36. “Nonconventional Pollutants” means all pollutants that are not included in the list of conventional or toxic pollutants in 40 CFR 401. This includes pollutants such as chlorine, ammonia, COD, nitrogen and phosphorous.
37. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water [40 CFR 122.2].
38. “QA/QC” means quality assurance/quality control.
39. “Services” means the United States Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration- National Marine Fisheries Service (NOAA Fisheries).
40. “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.
41. “Technology-based effluent limitation (TBEL)” means treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. EPA is required to promulgate technology-based limitations and standards that reflect pollutant reductions that can be achieved by categories, or subcategories of industrial point sources using specific technologies that EPA identifies as meeting the statutorily prescribed level of control under the authority of CWA Sections 301, 304, 306, 307, 308, 402, and 501 [33 U.S.C. § 1311, 1314,1316,1318,1342, and 1361].
42. “Total Maximum Daily Load (TMDL)” means the sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for non-point sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality [IDAPA 58.012.02.010.100].
43. “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.

44. “Waters of the United States or waters of the U.S.” means:
- a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - b) All interstate waters, including interstate “wetlands;”
 - c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;
 - d) All impoundments of waters otherwise defined as waters of the United States under this definition;
 - e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
 - f) The territorial sea; and
 - g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition [40 CFR 122.2].
45. “Whole Effluent Toxicity (WET)” means the aggregate toxic effect of an effluent measured directly by a toxicity test [40 CFR 122.2].

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) | Minimum Level (ML) µg/L unless specified |
|---|---|
| Temperature | +/- 0.2° C |
| Oil and Grease | 5 mg/L |
| pH | N/A |

Appendix B

BEST MANAGEMENT PRACTICES (BMP) PLAN

1. Pollution Prevention Team. The BMP Plan shall identify a specific individual or individuals within the facility organization as members of the Pollution Prevention Team who are responsible for developing the BMP Plan and for assisting the facility manager in the implementing, maintaining, and revising of this plan. The responsibilities of each team member must be listed. The activities and responsibilities of the Pollution Prevention Team shall address all aspects of the facility's BMP Plan.

2. Prevention and Minimization of Oil and Wastewater Discharges. The BMP Plan shall establish specific best management practices or other measures that prevent and minimize oil, grease, and hydraulic fluids from all sources from entering the river, including at a minimum, the following:
 - a) Maintain protective seals on all equipment with oil-to-water interfaces in good operating order to minimize the leaking of hydraulic oil or other oils
 - b) Minimize lubricants for all facility equipment that come in contact with river water.
 - c) Use lubricants, paint and caulk free of PCBs, unless technically infeasible.
 - d) A preventive maintenance program for internal facility drainage water management devices that includes inspection and testing to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
 - e) Good housekeeping practices that require the maintenance of areas, which may contribute pollutants to internal facility drainage water discharges, to be clean and orderly.
 - f) Site-specific spill prevention and response procedures in areas where potential spills, which can contribute pollutants to internal facility drainage water discharges, can occur and their accompanying drainage points shall be identified clearly in the BMP Plan. When containment is impracticable, the procedures should outline site-specific contingency plans to prevent oil releases. Procedures and site-specific BMPs shall be developed and implemented to eliminate and/or minimize the opportunity for oil leakage to enter the drainage system at the facility. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment in the BMP Plan should be considered. Procedures for cleaning up spills shall be identified in the BMP Plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.
 - g) Inspections with qualified personnel for designated equipment and areas of the facility at appropriate intervals specified in the BMP Plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection

shall be maintained.

- h) Employee training programs to inform personnel responsible for implementing activities identified in the BMP Plan or otherwise responsible for internal facility drainage water management, at all levels of responsibility, of the components and goals of the BMP Plan.
 - i) Record-keeping and internal reporting procedures with a description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of internal facility drainage water discharges shall be included in the BMP Plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the BMP Plan.
3. Drainage: The BMP plan shall include the following:
 - a. All facility-specific activities and significant materials related to the navigation locks operations which may be potentially significant pollutant sources.
 - b. Other potential sources which may reasonably be expected to add significant amounts of pollutants to internal facility drainage water discharges. Factors to consider include the toxicity of pollutants; quantity of pollutants used; the likelihood of contact with internal facility drainage water discharges; and history of significant leaks or spills.
 - c. A plot of the floor drainage of the facility's interior including sumps and oil/water separators and locations where major spills or leaks have occurred.
 4. Inventory of Exposed Materials. The BMP Plan shall include an inventory of the types of materials handled at the facility that potentially may be inadvertently spilled related to the navigation locks drainage. Such inventory shall include a narrative description of significant materials (quantities over 55 gallons) that are or have been handled, treated, stored or disposed in a manner to allow exposure to internal facility drainage water between the time of three years before the effective date of the permit coverage and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with internal facility drainage water; the location and description of existing structural and non-structural control measures to reduce pollutants in the internal facility drainage water discharges; and a description of any treatment these discharges receive.
 5. Spills and Leaks. The BMP Plan shall include a list of significant spills and significant leaks of toxic or hazardous pollutants that occurred, during the three-year period prior to the active date of permit coverage, at areas that drain to an outfall associated with floor drains. Such a list shall be updated as appropriate during the term of the permit. The spill and leak documentation should also document why the spill occurred, the volume of the spill, and how the spill was addressed. This should be part of the BMP Annual Report if a spill occurs during the permit term.
 6. Flood/High Water Discharges. Identify potential for flood/high water discharges. Develop and implement specific flood/high water practices and procedures to eliminate pollutants from areas of the facility that would be inundated during flood/high water

events and that would reasonably be expected to add significant amounts of pollutants to the identified flood/high water discharges at the facility. Areas of the facility inundated by flood or high waters should be maintained to prevent pollutants from entering the surrounding surface waters during flood or high-water events.