

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”,

Dworshak Project
 1428 Northfork Drive
 Ahsahka, Idaho 83520

is authorized to discharge from the Dworshak Project located in Ahsahka, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Clearwater River	45.861389 N	116.506389 W
002	Clearwater River	45.861111 N	116.506111 W
003	Clearwater River	45.860833 N	116.505278 W
004	Clearwater River	46.860278 N	116.505278 W
005	Clearwater River	46.860278 N	116.505278 W
006	Clearwater River	46.860278 N	116.505278 W

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

This permit shall become effective **April 1, 2024**.

This permit and the authorization to discharge shall expire at midnight, **March 31, 2029**.

The permittee shall reapply for a permit reissuance on or before **October 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/ September 20, 2023

Mathew J. Martinson

CAPT, USPHS

Branch Chief

Permitting, Drinking Water and Infrastructure

EPA issued a minor permit modification, changing the sample type for mercury monitoring in Table 1 for outfalls 4,5, and 6.

Erin Seyfried
Acting Branch Chief
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 during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be submitted via NetDMR on or before the 20 th day of the month following the monitoring period.
2. Quality Assurance Plan (QAP)	The permittee must submit written notification that the Plan has been developed and implemented to EPA and the Nez Perce Tribe within 180 days after the effective date of the final permit (see Part III.A of this permit). The Plan must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
3. Best Management Practices (BMP) Plan	The permittee must submit written notification that the Plan has been developed or updated, and implemented, to EPA, NMFS, and the Nez Perce Tribe within 180 days after the effective date of the final permit (see Part II.B of this permit). The Plan must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
4. BMP Annual Report	The permittee must submit a BMP Annual Report to EPA, NMFS, and the Nez Perce Tribe by February 28 following the first calendar year of permit coverage and annually thereafter (see Part II.B of this permit). The Report must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
5. Environmentally Acceptable Lubricants (EAL) Annual Report	The permittee must submit an EAL Annual Report to EPA, NMFS, and the Nez Perce Tribe by February 28 following the first calendar year of permit coverage and annually thereafter (see Part II.C of this permit). The Plan must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
6. Polychlorinated Biphenyls (PCB) Management Plan	The permittee must submit the PCB Management Plan to EPA, NMFS, and the Nez Perce Tribe within one year of the effective date of the permit (see Part II.D. of this permit). The Plan must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
7. PCB Annual Report	The permittee must submit the PCB Annual Report to EPA, NMFS, and the Nez Perce Tribe by February 28 following the first calendar year of permit coverage and annually thereafter (see Part II.D. of this permit).

8. Cooling Water Intake Structure (CWIS) Evaluation Report	The permittee must submit a draft CWIS Evaluation Report to EPA, NMFS, and the Nez Perce Tribe, within 12 months after the effective date of the permit (see Part II.E of this permit). The permittee is then required to allow NMFS a 45-day period to review and provide comments on the draft report and any associated reports generated by the report. The permittee must submit the final CWIS Evaluation Report to EPA, NMFS, and the Nez Perce Tribe, within 18 months after the effective date of the permit. The Evaluation Report must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
9. CWIS Annual Report	The permittee must submit a CWIS Annual Report to EPA and the Nez Perce Tribe by February 28 following the first calendar year of the effective date of the permit and annually thereafter (see Part II.D of this permit). The Annual Report must be kept on site and made available to EPA and the Nez Perce Tribe upon request.
10. Temperature Data Report	The permittee must submit a Temperature Data Report to EPA and the Nez Perce Tribe with a by February 28 following the first calendar year of permit coverage, and annually thereafter (see Part I.B.10 of this permit). The Data Report must include the monthly instantaneous maximum, the maximum daily average, and 7-day average daily maximum (7-DADM) influent and effluent temperatures measured in each outfall.
11. Monitoring Records	Monitoring records must be retained for a period of at least five years (see Part III.F of this permit).
12. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances (see Part III.G of this permit).
13. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see Part V.B of this permit).

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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 North Fork Clearwater 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 designated 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 whether an oil sheen has been observed in accordance with Part III. 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 and follow any procedures in the facility's Spill Prevention Control and Countermeasure (SPCC) plan. The log must be retained and made available to EPA and the Nez Perce Tribe.

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, PCB Management Plan.
7. Solid materials shall be removed from the trash racks or intake screens and disposed of in accordance with the procedures developed in Appendix B.8. of this permit.

8. 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 table at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
9. Monitoring for each outfall is to be conducted and reported in accordance with Part III.

Table 1. Effluent Limitation and Monitoring Requirements for Outfalls 001, 002, 003, 004, 005, 006: Non-Contact Cooling Water, Drainage Sump, Unwatering Sump, and Skeleton Bay

Parameter	Units	Effluent Limitations	Monitoring Requirements		
			Sample Location	Sample Frequency	Sample Type
Parameters With Effluent Limits					
pH	std units	Between 6.5 – 9.0	Effluent	1/week or 1/month ²	Grab
Oil and grease	mg/L	5 (daily maximum ¹)	Effluent	1/week or 1/month ³	Grab
Report Parameters					
Flow	mgd	Report	Effluent	1/month	Measurement/ Calculation
Temperature	°C	Report 7DADM ⁴ , daily maximum, and daily average.	Effluent	Continuous or 1/month ⁵	Measurement/ Calculation
Visible Oil Sheen, Floating, Suspended, or Submerged Matter	--	See Paragraph I.B.4 of this permit.			Visual Observation
Dissolved Oxygen	mg/L	Report	Effluent	1/quarter	Grab
Mercury and Methylmercury	µg/L	--	Effluent	2/year ⁶	See Footnote 7
Notes					
<ol style="list-style-type: none"> Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. Calculate the daily discharge as the total mass of the pollutant discharged over the day. During the first 12 months after the effective date of the permit, the required monitoring frequency is 1/week. In subsequent years, the required monitoring frequency is 1/month. During the first 12 months after the effective date of the permit, the required monitoring frequency is 1/week. If there are exceedances in the first 12 months after the effective date of the permit in an outfall, the frequency will remain 1/week for that outfall. If there are no exceedances in an outfall, the required monitoring frequency is reduced to 1/month for that outfall. 7-day average daily maximum (7DADM). This is a rolling 7-day average calculated by taking the average of the daily maximum temperatures. The 7-day average daily maximum for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date. See Paragraph I.B.10. In the first six months of the effective date of the permit, monthly sampling is required, Continuous monitoring is required after the first six months of the effective date of the permit. See Permit I.B.11. 24-hour composite samples are required for Outfalls 1, 2 and 3. Grab samples are required for Outfalls 4, 5, and 6. 					

10. The permittee must comply with the following requirements for continuous temperature monitoring:
 - a) Temperature data must be recorded using a micro-recording device known as a thermistor or a device that is consistent with Idaho Department Environmental Quality 2013 publication, *Protocol for Placement and Retrieval of Temperature Data Loggers in Idaho Streams*. Set the device to record at half-hour intervals. Report the following temperature monitoring data on the DMR: monthly instantaneous maximum, maximum daily average, seven-day running average of the daily instantaneous maximum.
 - b) Use the temperature device manufacturer's or compatible software to generate (export) an Excel or Excel-compatible file. The file must be submitted annually to EPA and the Nez Perce Tribe by February 28 following the first calendar year of permit coverage, and annually thereafter along with the placement log. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.
11. The permittee must comply with the following requirements for mercury and methylmercury monitoring:
 - a) Sampling must occur twice a year in March and August. The month of monitoring may be modified if agreed upon by EPA, the Nez Perce Tribe, and the permittee.
 - b) The permittee must notify the Nez Perce Tribe as specified in Permit Part II.F.3. of the specific sampling dates at least 30 days prior to the sampling event.
12. Flood/high water discharges shall comply with the requirements in Appendix B.9.
13. 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.).
14. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
15. 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. (“Monitoring Procedures”).
16. 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}.”
17. 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.
18. For those instances when there is no discharge from an outfall, report No Data Indicator Code (NODI) on 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 written notice to EPA and the Nez Perce Tribe that the QAP has been developed and implemented. The permittee must submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_ID0028586_QAP_55099, where YYYY_MM_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and the Nez Perce Tribe 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)*. 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.
 5. Copies of the QAP must be kept on site and made available to EPA and the Nez Perce Tribe upon request.

B. Best Management Practices (BMP) Plan

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.

1. 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.
2. 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 written notice to EPA and the Nez Perce Tribe that the BMP Plan has been developed and implemented within 180 days of the effective date of the permit. The permittee must submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_ID0028586_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the written notification.
 - c) The BMP Plan must be retained on site and made available to EPA and the Nez Perce Tribe upon request. The permittee must submit the BMP Plan within 180 days of the effective date of this permit.

3. 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 written certification that the requested changes have been made.

4. 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.
- 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.
 - (i) The permittee must submit the BMP Annual Report by February 28th following the first calendar year of permit coverage and annually thereafter. The Report must be signed in accordance with Part V.E. (“Signatory Requirement”).
 - (ii) 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_ID0028586_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the Report.

5. Reporting of BMP incidents. Prepare a written report to EPA and the Nez Perce Tribe at the contact included in Permit Part II.F.3., due within seven (7) calendar days after the incident has been successfully addressed, describes the circumstances leading to the incident, corrective actions taken, and recommended

changes to operation and maintenance practices and procedures to prevent incident recurrence.

6. The permittee must maintain a copy of the BMP Plan on-site at the facility and make it available to EPA and the Nez Perce Tribe, or an authorized representative, upon request.

C. Environmentally Acceptable Lubricants (EALs)

1. The permittee must select EALs for all oil to water interfaces including wicket gates, bearings, 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 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 permittee must submit the EAL Annual Report by February 28th following the first calendar year of permit coverage and annually thereafter. The Report must be signed in accordance with Part V.E. ("Signatory Requirement").
4. The EAL Annual Report shall include:
 - a) A list of 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.
5. 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.
6. The permittee must 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_ID0028586_EAL_05899, where YYYY_MM_DD is the date that the permittee submits the written notification. The EAL Annual Reports must be kept on site and made available to EPA and the Nez Perce Tribe, or an authorized representative, upon request.

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 releases of PCBs from potential PCB sources listed in Part II.D(1)(a), 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, National Marine Fisheries Service (NMFS), and the Nez Perce Tribe within one year from the effective date of the permit. 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_ID0028586_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 the Nez Perce Tribe, or an authorized representative, 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 each year 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, evaluating the effectiveness of BMPs in preventing PCB releases.
 - d) How BMP and other actions will be optimized during the remainder of the permit cycle.

5. The permittee must submit the PCB Annual Report to EPA, NMFS, and Nez Perce as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_ID0028586_PCB_Annual_Report_55099, where
YYYY_MM_DD is the date that the permittee submits the PCB Annual Report. The PCB Annual Report must be retained on site and made available to EPA and the Nez Perce Tribe upon request.

E. Cooling Water Intake Structure (CWIS) Requirements to Minimize Adverse Impacts from Impingement and Entrainment

1. Best Technology Available. The design, location, construction, and capacity of the permittee's CWISs shall reflect the best technology available (BTA) for minimizing adverse environmental impacts from the impingement and entrainment of various life stages of fish (*e.g.*, eggs, larvae, juveniles, adults) by the CWISs.
2. The permittee must implement the BTA to ensure that all trash racks, trainers, and intake screens are checked and cleaned in accordance with the Appendix B: BMP Plan.
3. The permittee must submit a draft CWIS Evaluation Report to EPA, NMFS, and the Nez Perce Tribe, within 12 months after the effective date of the permit. The permittee is then required to allow NMFS a 45-day period to review and provide comments and any associated reports generated by the report. The permittee must submit the final CWIS Evaluation Report to EPA, NMFS, and the Nez Perce Tribe, within 18 months after the effective date of the permit. The CWIS Evaluation Report must include the locations of the cooling water intake structures, an evaluation of strainers and fish presence, information on current fish impingement and entrainment, and an evaluation of additional operations or technologies to minimize fish impingement and entrainment. The permittee must submit the CWIS Evaluation Report to EPA as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:

YYYY_MM_DD_ID0028586_CWISEvaluation_C316B, where YYYY_MM_DD is the date that the permittee submits the report.

4. The permittee must include a CWIS Annual Certification and submit it to EPA and the Nez Perce Tribe on February 28th after the first year of the effective date of the permit and annually thereafter. The CWIS Annual Certification must demonstrate BTA has been properly operated and maintained and document any changes to the CWIS. The permittee may submit a CWIS Annual Certification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_ID0028586_CWIS_C316B, where YYYY_MM_DD is the date that the permittee submits the written notification.
5. The CWIS Evaluation Report and Annual Certifications must be retained on site and made available to EPA and the Nez Perce Tribe, or an authorized representative upon request.

F. Notification of Exceedance of TDG Standard

1. The permittee must notify the Nez Perce Tribe Director of Water Resources in the case of planned operations that are expected to exceed 110% TDG over a 12-hour period downstream of Dworshak Dam.
2. The permittee must notify the Nez Perce Tribe Director of Water Resources within 24 hours when TDG downstream of the dam exceeds 110% over a 12-hour period. This notification must be made once per exceedance event. When communications are interrupted and cannot be restored within 24 hours, notification should be made as soon as communications are restored.
3. The permittee must notify the Nez Perce Tribe Director of Water Resources at the following, unless agreed upon by the Tribe:

Director of Water Resources
Nez Perce Tribe
kenc@nezperce.org
208-843-7368

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 (“Effluent Limitations and Monitoring”) 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 of this permit (“Monitoring Procedures”). The permittee must report all additional monitoring in accordance with Part III.D of this permit. (“Additional Monitoring by Permittee”).

B. Reporting of Monitoring Results

The permittee must submit monitoring data and other reports electronically using NetDMR, and to other recipients in accordance with Section III.B.3.

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 the Nez Perce Tribe and the National Marine Fisheries Service (NMFS). Currently, the permittee may submit these DMRs and reports to the Nez Perce Tribe and NMFS by one of three ways: (1) a copy may be sent directly to the email address for the Nez Perce Tribe and NMFS, (2) the email address for the Nez Perce Tribe and NMFS may be added to the electronic submittal through NetDMR, or (3) the permittee may provide the Nez Perce Tribe and NMFS viewing rights through NetDMR. The following contact information should be used, unless agreed upon with the Tribe or NMFS:

Ken Clark
Nez Perce Tribe
Director of Water Resources
kenc@nezperce.org

Ritchie Graves
National Marine Fisheries Service
Branch Chief
Columbia Hydropower Branch
Ritchie.Graves@noaa.gov

4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee must submit all reports to EPA and the Nez Perce Tribe as NetDMR attachments rather than as hard copies. The file name of the electronic attachments must be as follows: YYYY_MM_DD_ID0028586_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 the US EPA Region 10. NetDMR is accessed from:
<https://netdmr.epa.gov/netdmr/public/home.htm>

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 of this permit (“Reporting of Monitoring Results”). 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 (“Anticipated Noncompliance”).

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 the Nez Perce Tribe 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
 - d) Any exceedance of the daily maximum limit for oil and grease or oil spill or visible oil sheen that triggers an emergency action or notification under the facility’s SPCC plan.

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.

4. The permittee must sign and certify the report in accordance with the requirements of Part V.E. of this permit (“Signatory Requirements”). Reports must be submitted via email to R10enforcement@epa.gov with the subject line “CWA NPDES_ID0028586_Noncompliance Report.” The file name of the electronic attachment must be as follows:
YYYY_MM_DD_ID0028586_Noncompliance Report, where YYYY_MM_DD is the date that the permittee submits the report. A copy must also be submitted to the Nez Perce Tribe at the following email address: kenc@nezperce.org.

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 the Nez Perce Tribe as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) One hundred micrograms per liter (100 ug/l);
 - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) Five hundred micrograms per liter (500 ug/l);
 - b) One milligram per liter (1 mg/l) for antimony;
 - c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to the EPA Water Division and the Nez Perce Tribe. The permittee must notify the Director of the Water Division at EPA via email at EPAR10WD-NPDES@epa.gov with the subject line “CWA NPDES_ID0028586_New Pollutants.” The file name of the electronic attachment must be as follows: YYYY_MM_DD_ID0028586_New Pollutants, where YYYY_MM_DD is the date that the permittee submits the notice. The permittee must also submit a copy of the notification to the Director of Water Resources at the Nez Perce Tribe via email at kenc@nezperce.org.

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 Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$59,973 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (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 sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, 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 section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, 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 section 309(c)(3)(B)(iii) of the Act, 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 Act 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, filter backwash water, 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:
 - c) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - d) The permitted facility was at the time being properly operated;
 - e) The permittee submitted notice of the upset as required under Part III.G of this permit, (“Twenty-four Hour Notice of Noncompliance Reporting”); and
 - f) The permittee complied with any remedial measures required under Part IV.D of this permit, (“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 and the Nez Perce Tribe as specified in Part III.I.3 of this permit and the Nez Perce Tribe 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 Compliance and Enforcement Assurance Division and the Nez Perce Tribe 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 the Nez Perce Tribe, within the time specified in the request, any information that EPA or the Nez Perce Tribe may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or the Nez Perce Tribe, upon request, copies of records required to be kept by this permit.

D. Other Information

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

E. Signatory Requirements

All applications, reports or information submitted to EPA and the Nez Perce Tribe must be signed and certified as follows.

1. All permit applications must be signed as follows:
 - a) For a corporation: by a responsible corporate officer.
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or the Nez Perce Tribe must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a) The authorization is made in writing by a person described above;
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c) The written authorization is submitted to the Director of the Enforcement and Compliance Assurance Division and the Nez Perce Tribe.
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 the Nez Perce Tribe 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; the Nez Perce Tribe; 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 of this permit. 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

7Q10 flow (seven-day, ten-year low flow) means the lowest seven-day consecutive mean daily stream flow with a recurrence interval of ten years.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative [40 CFR 122.2].

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.

CFR means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.

Conventional pollutant means biological oxygen demand (BOD), total suspended solids (TSS), bacteria, oil and grease, and pH as defined in 40 CFR 401.16.

CWA means the Clean Water Act in the United States Code (USC) (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 USC 1251 et seq. [40 CFR 122.2].

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 limits expressed as mass "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 [40 CFR 122.2].

Designated Use means the beneficial use assigned to a specific water body in Idaho water quality rules.

The Director means the Regional Administrator of EPA Region 10, or the Director of EPA Region 10 Water Division, or an authorized representative thereof.

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.

Director of the Water Division means the Director of the Water Division, EPA Region 10, or an authorized representative.

Discharge when used without qualification means the “discharge of a pollutant.”

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].

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].

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].

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].

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].

Environmentally Acceptable Lubricant means lubricants that are “biodegradable” and “minimally-toxic” and are “not bioaccumulative” as defined in this permit. For purposes of the 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)

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.

Grab sample means a single water sample or measurement of water quality taken at a specific time.

Hazardous Material means a material or combination of materials which may present a substantial present or potential hazard to human health, the public health, or the environment. It is also defined at 40 CFR 122.2 to mean any substance designated in 40 CFR 116, pursuant to Section 311 of the CWA.

Indian Country as indicated by 18 USC §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.

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].

Influent means the water from upstream that enters the facility.

Maximum means the highest measured discharge or pollutant in a waste stream during the time period of interest.

Maximum Daily Discharge limitation means the highest allowable “daily discharge” [40 CFR 122.2].

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.

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.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA [40 CFR 122.2].

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.

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 USC 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].

Services means the United States Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration-National Marine Fisheries Service (NOAA Fisheries or NMFS).

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 USC § 1311, 1314, 1316, 1318, 1342, and 1361].

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 when allocating pollutant loading to a particular waterbody. The TMDL establishes loads at levels that meet applicable water quality standards.

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.

Pollutant & CAS No. (if available)	Minimum Level (ML)
Dissolved Oxygen	+/- 0.2 mg/L
Mercury, Total (7439-97-6)	0.0005 µg/L
Methylmercury	0.06 ng/L
Oil and Grease	5 mg/L
Temperature	+/- 0.2°C
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 such as spill gate mechanisms, turbine gate mechanisms, etc.
 - c) Use lubricants, paint and caulk free of PCBs, unless technically infeasible.
 - d) Use preventative maintenance and cleaning programs for turbine and wicket gate parts.
 - e) Regularly inspect fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc. to prevent drips or leaks.
 - f) Use proper operation of the oil/water separators through inspections at appropriate intervals, regularly scheduled maintenance, and by review of sampling data.
 - g) A preventive maintenance program for internal facility drainage water management devices (e.g., cleaning oil/water separators, pits, sumps) 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.
 - h) Good housekeeping practices that require the maintenance of areas, which may contribute pollutants to internal facility drainage water discharges, to be clean and orderly.
 - i) 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.

- j) 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.
 - k) 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.
 - l) 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. Oil Accountability, Tracking, and Reporting. The BMP Plan will describe the quantity and type of all oil products used on-site and how they are monitored and tracked using guidelines from the facility's Oil Accountability Plan. If the Oil Accountability Plan covers all elements of this permit requirement, the BMP Plan may reference the Oil Accountability Plan. Records are to be kept on-site and available for inspection by EPA or the Nez Perce Tribe. Oil gauges should be used that provide appropriate level of markings to ensure operators and maintenance personnel can easily identify an unusual condition. The permittee must notify EPA and the Nez Perce Tribe if there is an unaccounted oil release into the environment consistent with the facility's Oil Accountability Plan.
4. Drainage: The BMP plan shall include the following:
- a) All facility-specific activities and significant materials 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.
5. 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. Such inventory shall include a narrative description of significant materials 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.

6. 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.
7. Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; maintenance programs; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the facility and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.
8. Trash Racks, Strainers, or Intake Screens. The permittee shall develop and implement procedures to remove solid materials from the trash racks, strainers or intake screens. The solid materials exclude naturally occurring materials such as leaves, branches, grass, and so forth. Inspections and maintenance of the trash racks and intake screens shall be scheduled and documented with the record-keeping included with the BMP Plan and summarized in the Annual Report required under Part II.B.8. The permittee shall amend the removal procedures whenever there is a change in the design, construction, operation, or maintenance which has a significant effect on the deposition of solid material on the trash racks or intake screens.

The trash removal activities are to be performed where it is reasonable and feasible at the facility. These trash removal procedures are to include appropriate safety practices because the permittee is responsible for employee safety at the facility.
9. 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.