

Original

NPDES Permit No. DC0000248

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT NUMBER DC 0000248**

In compliance with the provisions of the Clean Water Act
(the ''Act''), as amended, 33 U.S.C. §1252 et seq.,

The John F. Kennedy Center for the Performing Arts
is authorized to discharge from a facility located at

2700 "F" Street, N.W.
Washington, DC 20566

to receiving waters named

Potomac River

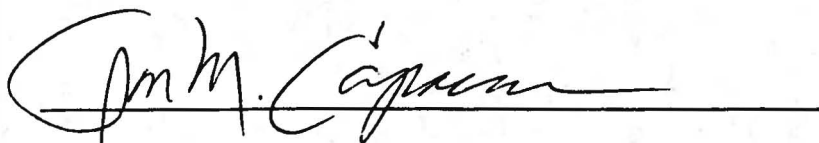
in accordance with effluent limitations, monitoring requirements
and other conditions set forth in Parts I, II and III herein.

The effective issuance date of this permit is *July 25, 2007*

This permit and the authorization to discharge shall expire 5
years from the date of issuance, unless the permittee has
submitted a complete and timely application for a new permit, and
EPA, through no fault of the permittee, does not issue a new
permit before the expiration date of this permit.

This permit and the authorization to discharge shall expire at
midnight, on *July 24, 2012*

Signed this *24th* day of *July*, 2007.



Jon M. Capacasa, Director
Water Protection Division
U.S. Environmental Protection Agency
Region III

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the issuance date and lasting through the expiration date, the permittee is authorized to discharge from Outfall Number 001.

As specified below, the discharge shall be monitored and sampled by the permittee at the internal compliance sites located on the effluent side of the chillers prior to entering the discharge pipe which outfalls to the Potomac River.

<u>Effluent Characteristic</u>	<u>Discharge</u>				<u>Monitoring Requirement</u>	
	(Kg/day) lb/day		Other units (mg/l)		Measurement Frequency	Sample Type
	<u>Monthly Avq.</u>	<u>Daily Avq.</u>	<u>Monthly Avq.</u>	<u>Daily Avq.</u>		
Flow (gpm) [Refer to "Special Conditions" Section of the Permit]	N/A	N/A	N/A	N/A	Daily**	Measured
Temperature [Refer to "Special Conditions" Section of the Permit]	Not to Exceed a Maximum Daily Value of 32.2 Degrees Centigrade and 2.8 Degrees Centigrade Above River Ambient Temperature at Point of Discharge (Outfall Number 001)				Daily**	Continuously Recorded

pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored daily by grab sample when discharging (Refer to "Special Conditions" Section of the Permit)

There shall be no discharge of substances in amounts that float as debris, scum, oil, or foam to form nuisances

*For purposes of this permit, non contact cooling water means the water that is contained in leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake levels.

** Flow and temperature measurements shall be taken as described from the beginning of May until the end of October. At other times during the year, flow and temperature shall be measured and recorded each time a discharge occurs.

STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may result in an enforcement action; permit termination, revocation and reissuance, or modification; and/or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

The Clean Water Act provides that any person who violates any permit condition or limitation implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing of such section, or any requirement imposed in an approved pretreatment program and any person who violates any Order issued by EPA under Section 301(a) of the Act, shall be subject to a civil penalty not to exceed \$32,500 per day for each violation, and to an action for appropriate relief including a permanent or temporary injunction.

Any person who negligently violates Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, any permit condition or limitation implementing any such section, shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of such violation, or by imprisonment for not more than 3 years, or by both.

Any person who knowingly violates any permit condition or limitation implementing Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, and who knows at the 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 by imprisonment of not more than 15 years, or by both.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information newly acquired by the Agency, including but not limited to the results of the studies, planning, or monitoring described and/or required by this permit;
- e. Facility modifications, additions, and/or expansions;
- f. Any anticipated change in the facility discharge, including any new significant industrial discharge or changes in the quantity or quality of existing industrial discharges that will result in new or increased discharges of pollutants; or
- g. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- h. The effluent limitations are based on the District of Columbia's water quality standards in accordance with the Clean Water Act. In the event of a revision of the District of Columbia's water quality standards this permit may be modified by EPA to reflect this revision.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. When a permit is modified, only conditions subject to modification are reopened.

5. Toxic Pollutants

Notwithstanding paragraph A-4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, the permittee shall comply with such standard or prohibition even if the permit has not yet been modified to comply with the requirement.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic standards 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.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Section B, Paragraph 3 and "Upsets" Section B, Paragraph 4, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. 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.

9. Property Rights

The issuance of this permit does not convey any property rights

of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Transfer of Permit

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

a. The current permittee notifies the EPA, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement, between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The EPA does not notify the current permittee and the new permittee of intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted.

12. Construction Authorizations

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

13. Reopener Clause for Permits

This permit shall be modified or revoked and reissued, to incorporate any applicable effluent standard or limitation issued or approved under Section 301, 304 or 307 of the Clean Water Act, in accordance with the Chesapeake Bay Agreement based on water quality considerations, and if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

This permit may also be reopened as specified in CFR 40, Part 122.44.

14. ENDANGERED SPECIES

The United States Fish and Wildlife Service (FWS) has indicated that Hay's Spring Amphipod, a Federally listed endangered species, and the bald eagle, a Federally listed threatened species, occur at several locations near, or in, the District of Columbia. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) has indicated that the endangered shortnose sturgeon occurs in the Potomac River drainage and may occur within the District of Columbia. The FWS and NOAA Fisheries indicate that at the present time there is no evidence that the discharges covered by this permit are adversely affecting these Federally listed species. Discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are not authorized under the terms and conditions of this permit.

The monitoring required by this permit will allow further evaluation of potential effects on these threatened and endangered species once monitoring data has been collected and analyzed. EPA requires that the permittee submit to NOAA Fisheries at the same time it submits to EPA the annual review of the monitoring data which will be used by EPA and NOAA Fisheries to further assess effects on endangered or threatened species. If this data indicates it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on habitats of endangered and threatened species.

The above referenced annual review of monitoring data is required under this permit to be sent on an annual basis to:

United States Environmental Protection Agency
Region III (3WP41)
Water Protection Division
1650 Arch Street
Philadelphia Pennsylvania 19103-2029

NOAA National Marine Fisheries Service
Protected Resource Division
One Blackburn Drive
Gloucester, Massachusetts 01930-2298
Attn: Ms. Julie Crocker

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the permittee shall either, to the extent necessary to maintain compliance with its permit, control production, or halt discharges, or both, until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means the intentional diversion of waste

streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this section.

- c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph 6 (24-hour notice).

- d. Prohibition of bypass.

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d(1) of this section.

4. Upset Conditions

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section are met. The determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset, as required in Section D, Paragraph 6; and

(4) The permittee complied with any remedial measures required under Section A, Paragraph 3.

d. Burden of proof. In any enforcement proceeding the

permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent all pollutants from such materials from entering navigable waters.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit. Monitoring points shall not be changed without notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device.

3. Monitoring Procedures

Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136 and subsequent updates, unless other test procedures have been specified in this permit.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or be imprisonment for not more than 6 months per violation, or by both.

5. Reporting of Monitoring Results

Monitoring results shall be reported on a Discharge Monitoring Report (DMR) from (EPA No. 3320-1). Monitoring results shall be reported monthly. Monitoring results obtained during the previous month shall be summarized and reported on a DMR form postmarked no later than the 28th day of the following month. Reports shall be signed and submitted to the following addresses:

U.S. EPA Region III(3WP42)	District of Columbia Government
Water Protection Division	Department of the Environment
NPDES DMRs	5th Floor
1650 Arch Street	51 N Street, N.E.
Philadelphia, PA 19103-2029	Washington, D.C. 20002

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the result of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR) form. Such frequency shall also be indicated.

7. Retention of records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurement:
- b. The individual(s) who performed the sampling or measurements;

- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

9. Inspection and Entry

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

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

10. Definitions

- a. The "'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.
- b. The "'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.

c. The "average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

d. "The Maximum daily discharge" limitations means the highest allowable "daily discharge."

e. Composite Sample - A combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.

f. Sample - An individual sample collected in less than

g. "i-s" (immersion stabilization) - a calibrated device placed in the effluent stream until the reading is

h. "monthly average" temperature means the arithmetic mean of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.

i. The "daily maximum" temperature means the highest arithmetic mean of the temperature observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.

j. "At outfall xxx" - A sample location before the effluent joins or is diluted by another waste stream, body of water, or substance or as otherwise specified.

k. Estimate - to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.

1. "EPA" or "Director" means the U.S. Environmental Protection Agency.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Anticipated noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Director as specified in Section A, Paragraph 11. 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 Clean Water Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Section C, Paragraph 5 (monitoring).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance may include any remedial actions taken, and the probability of meeting the next schedule requirement.

6. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be

provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a minimum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours and the noncompliance does not endanger health or the environment.

Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D, Paragraphs 1, 4, 5, and 6 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph 6.

8. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) One hundred micrograms per liter (100 ug/l);
- (2) 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;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application;

(4) The level established in Part III of the permit by the Director.

b. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

9. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. In the event that a timely and complete reapplication has been submitted and the Director is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

11. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

12. Availability of Reports

Unless a business confidentiality claim is asserted pursuant to 40 CFR Part 2, all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the state water pollution control agency and the EPA Regional Administrator. If a business confidentiality claim is asserted, the report will be disclosed only in accordance with the procedures in 40 CFR Part 2. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

13. Penalties - Criminal

The Clean Water Act, 33 U.S.C. Section 1319(c), subjects persons violating a permit condition, providing false information in documents required to be maintained by the statute and its regulations, or tampering with monitoring equipment to criminal prosecution. Knowing violations are punishable by a prison term of up to three years, a fine between \$5,000 and \$50,000 per day of violation, or both. Knowing violations which place a person in imminent danger of death or serious bodily injury may be punished by a prison term of up to 15 years, a fine of up to \$250,000, or both. In the case of an organization, the maximum fine for this crime is \$1,000,000. Negligent violations are punishable by a prison term up to one year, a fine between \$2,500 and \$25,000 per day of violation or both. Falsifying documents required to be maintained by the Clean Water Act or tampering with monitoring equipment is punishable by a prison term of up to two years, a fine of \$10,000 or both. False statements concerning matters with the jurisdiction of a federal agency are also punishable pursuant to 18 U.S.C. 1000 by a prison term of up to five years, a fine of up to \$10,000 or both.

14. Correction of Reports

If the permittee becomes aware that it submitted incorrect information in any report to the Director, it shall promptly submit the correct information.

SPECIAL CONDITIONS

1. Influent and Effluent Monitoring

The permittee shall monitor the Potomac River water influent at the intake point for both pH and temperature on a daily basis, consistent and simultaneous with effluent monitoring for these parameters. The readings shall be taken simultaneously with the effluent measurements from the beginning of May until the end of October to establish ambient baseline conditions of the non contact cooling water (see definition below*) coming into the facility and at other times of the year when a discharge occurs.

*Non Contact cooling water means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels.

2. Evaluation of Flows Discharged to the Potomac River

Reported flows of the non contact cooling water can only be estimated under the current compliance monitoring arrangement. This results in higher reported flows discharged to the Potomac River than actually occur. The permittee has submitted in their NPDES application for permit renewal, a plan to install an area-velocity flow meter for addressing the problem. The permittee shall notify EPA and the District of Columbia Department of the Environment, in writing (not to exceed six months from the effective issuance date of the permit) when the installation is complete and operable. The measured flow shall be recorded and identified, as such, in the first discharge monitoring report (DMR) submitted to the regulatory agencies six months after the effective issuance date of the permit and the DMRs which are submitted subsequently thereafter.

3. Total Maximum Daily Loadings (TMDL) Development/Implementation

EPA will be approving future TMDLs, as they are developed by the District of Columbia, for bacteria, pH, and organics within this section of the Potomac River to address listed 303(d) water impairment problems. Since pH is a listed "pollutant of concern" for which this facility must monitor its discharge, the permittee shall develop an implementation plan within ninety (90) days after the TMDL has been approved by EPA for this parameter.

The completed TMDL implementation plan shall address the corrective measures that the facility will undertake to achieve compliance with the approved TMDL. The permittee shall submit the completed plan to both the District of Columbia Department of the Environment and EPA. The permittee shall modify the plan to satisfy any concerns offered by the regulatory agencies. EPA reserves the right to modify this permit under the Reopener Clause for Permits in Part II, Section A.13 when a TMDL has been developed for the receiving stream which effects the effluent discharge or any other existing or potential pollutant originating from the activities associated with this facility.

4. pH and Temperature Compliance Report

Within one (1) year of the effective date of this permit, the permittee shall prepare and submit to EPA and the District of Columbia Department of the Environment a report, prepared by a qualified engineer or engineering firm, that shall include (a) evaluate the reasons for recent and previous exceedances of temperature and pH limits, and (b) recommend corrective action to avoid future exceedances. EPA reserves the right to modify this permit following review of this report (or in the event that the permittee fails to submit such a report).