DRAFT NPDES PERMIT NO. PR0020214

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, 33 U.S.C. • 1251 et. seq. (the "Act"),

Puerto Rico Aqueduct and Sewer Authority
P.O. Box 7066
Barrio Obrero Station
San Juan, Puerto Rico 00916

hereinafter referred to as "the permittee" is authorized to discharge from a facility named **Adjuntas Wastewater Treatment Plant** located at:

Canas Street Interior
Adjuntas, Puerto Rico 00601

to receiving waters named:

Cidra River

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I and II hereof. All references to Title 40 of the Code of Federal Regulations are to regulations that are in effect on the effective date of this permit, including all amendments thereto published in the Federal Register. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations under Title 40 of the Code of Federal Regulations.

This permit shall become effective on Effective Date of Permit (EDP).

This permit and the authorization to discharge shall expire at midnight, EDP + 5 years.

Signed this _____ day of _____,

_____

José C. Font,
Acting Director
Caribbean Environmental
Protection Division

TABLE I
REQUIRED EFFLUENT LIMITATIONS

EFFLUENT CHARACTERISTICS	DISCHARGE LOAD ALLOCATIONS		DISCHARGE CONCENTRATIONS LIMITATIONS		MINIMUM PERCENT REMOVAL LIMITATION
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Average Monthly
	(kg/day)	(kg/day)	(mg/l)	(mg/l)	
5-Day-20ºC Biochemical Oxygen Demand[1]	62.9	94.3	30.0	45.0	85%
Suspended[1] Solids	62.9	94.3	30.0	45.0	85%

Flow shall be reported as a monthly average and daily maximum.
Measurement frequency shall be continuous

1 Measurement frequency shall be Twice per Month using composite sampling.

TABLE A-1 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the EDP and lasting through the expiration date of the permit, the permittee is authorized to discharge from outfall serial number 001 (filters and settling tanks washwater). Such discharge shall be limited and monitored by the permittee as specified below:

Receiving Water Classification: SD

Effluent Characteristics	**Gross Discharge Limitations**		**Monitoring Requirements**	
	Monthly Avg.	**Daily Max**	**Measurements Frequency**	**Sample Type**
BOD_5 (mg/L) α [1,2,3,4,8]	See Table I		Twice per Month	Composite
Cadmium (Cd) (µg/L) [2,3]		0.36	Quarterly	Grab
Chromium VI (Cr^{+6}) (µg/L) [2,3]		----	ϕ	Grab
Color (Pt-Co Units) α [2,3,4,8]		26	Monthly	Grab
Copper (Cu) (µg/L) [2,3]		13	Monthly	Grab
Cyanide, Free (CN)(µg/L) α ξ [2,3,4,8]		9.0	Monthly	Grab
Dissolved Oxygen (mg/L) α [1,2,3,4,8]	Shall contain not less than 5.0 mg/L.		Daily	Grab
Fecal Coliforms (colonies/100 mL) [1,2,3]	The Coliform geometric mean of a series of representative samples (at least five samples) of the waters taken sequentially shall not exceed 200 colonies/100 mL. Not more than 20% of the samples shall exceed 200 colonies/100 mL.		Monthly	Grab
Flow m^3/day (MGD) [1,3,5]		2,093.3 (0.553)	Continuous Recording	
Mercury (Hg) (µg/L) φ φ α [2,3,4,8]		0.050	Monthly	Grab

Effluent Characteristics	**Gross Discharge Limitations**		**Monitoring Requirements**	
	Monthly Avg.	**Daily Max**	**Measurements Frequency**	**Sample Type**
Nitrate plus Nitrite (as N) α [2,3,4,8]		20,000	Monthly	Grab
Oil and Grease (mg/L) [2,3]	The waters of Puerto Rico shall be substantially free from floating non-petroleum oils and greases as well as petroleum derived oils and greases.		Twice Per Month	Grab
pH (SU) [2,3]	Shall always lie between 6.0 – 9.0.		Daily	Grab
Residual Chlorine (mg/L) γ [2,3]	0.50		Daily	Grab
Solids and Other Matters [2,3]	The waters of Puerto Rico shall not contain floating debris, scum or other floating materials attributable to discharge in amounts sufficient to be unsightly or deleterious to the existing or designed uses of the water body.		---	---
Sulfide (Undissociated H_2S) (µg/L) δ [2,3]		2	Quarterly	Grab
Surfactants (as MBAS) (µg/L) α [1,2,3,4,8]		166	Monthly	Grab
Suspended, Colloidal or Settleable Solids (mL/L) [1,2,3]	Solids from wastewaters source shall not cause deposition in, or be deleterious to the existing or designated uses of the waters.		Daily	Grab
Taste and Odor-producing Substances [2,3]	Shall not be present in amounts that will render any undesirable taste and/or to edible aquatic life.		---	---

Effluent Characteristics	**Gross Discharge Limitations**		**Monitoring Requirements**	
	Monthly Avg.	**Daily Max**	**Measurements Frequency**	**Sample Type**
Temperature ^{o}F (^{o}C) [2,3]	Except for natural causes no heat may be added to the waters of Puerto Rico, which would cause the temperature of any site to exceed 90 ^{o}F (32.2^{o}C).		Daily	Grab
Total Ammonia (mg/l) α [2,3,4,8]		15.000	Monthly	Composite
Total Coliforms (colonies/100 mL) [1,2,3]	The coliforms geometric mean of a series of representative samples (at least five samples) of the waters taken sequentially shall not exceed 10,000 colonies/100 mL.		Monthly	Grab
Total Phosphorus (mg/L) α [2,3,4,8]		3.27	Monthly	Grab
Total Suspended Solids (mg/L) [3]	See Table I		Twice per Month	Composite
Turbidity (NTU) [2,3]		50	Quarterly	Grab
Special Conditions	See attached sheet, which contains special conditions that constitute part of this certification.		---	---

1, 2, 3, 4, 5, 6 and 8 see page 15.

To comply with the monitoring requirements specified above, samples shall be taken at the outfall of discharge serial number 001.

All flow measurements shall achieve accuracy within the range of plus or minus 10%.

γ See Special Conditions 5 and 6.
φ See Special Condition 9.
δ See Special Condition 10.

ξ The samples shall be analyzed using the method approved by EPA in letter of February 20, 2007.

α A Waste Load Allocation (WLA) was performed in order to develop the water quality based effluent limitation.

Φ The permittee shall implement a monthly monitoring program using analytical method approved by EPA with the lowest possible detection level, in accordance with Section 6.2.3 of the PRWQSR as amended, for one (1) year period, after which they will be conducted annually. The monitoring program shall commence no later than thirty (30) days after EDP. The results of the monitoring program shall be submitted to EQB and EPA-Region II no later than sixty (60) days of completion of the one year monitoring program. Based on the evaluation of the results obtained, EQB will determine if more frequent monitoring is necessary. In such case the WQC will be reopened to revise the monitoring frequency if considered necessary.

TABLE A-2 AMBIENT MONITORING REQUIREMENTS
WASTE LOAD ALLOCATION (WLA) MONITORING REQUIREMENTS

The EQB has performed a WLA pursuant to Rule 1310 of the PRWQSR. During the period beginning on EDP + 60 days and lasting through one (1) year, after which the monitoring shall be conducted annually, the permittee shall perform ambient monitoring at the immediate vicinity[Φ] of the discharge station and at the background[Ψ] monitoring station as specified below. Within thirty (30) days of completion of the one year monitoring period, the permittee shall submit a report to EQB and EPA containing the ambient monitoring results obtained as well as the monthly monitoring results obtained during the same time period at the sampling point for discharge 001, for the below parameters. Based on the evaluation of the results obtained, EQB shall determine if the effluent limitations established shall remain as they are or if it is necessary to re-open the WQC to modify (increase or decrease) the effluent limitation for one (1) or more of the below parameters.

Receiving Water Name and Classification: Cidra River, SD

	Monitoring Requirements	
	Measurements Frequency	**Sample Type**
Parameters		
Color (Pt-Co Units) [2,3,4,8]	Monthly	Grab
Cyanide, Free (CN) (µg/L) [2,3,4,8]	Monthly	Grab
Nitrate + Nitrite (as N) (µg/L) [2,3,4,8]	Monthly	Grab
Surfactants (as MBAS) (µg/L) [1,2,3,4,8]	Monthly	Grab
Total Phosphorous (P) (mg/L) [2,3,4,8]	Monthly	Grab

Notes:

τ The immediate vicinity of the discharge station shall be located one thousand nine hundred ninety four (1994) meters downstream from discharge 001.

ω The background sampling station shall be located five (5) meters upstream from discharge 001.

1,2, 3, 4 and 8 see page 15

TABLE A-3 MODEL CALIBRATION MONITORING REQUIREMENTS

During the period beginning on EDP + 60 days and lasting through one (1) year, the permittee shall implement a monitoring program to obtain the necessary data to calibrate the MULTISMP mathematical model as specified below. Sampling for all parameters shall be performed on the same day. Within thirty (30) days of completion of the one year monitoring program, the permittee shall submit a report to EQB and EPA containing the results obtained as well as the monthly monitoring results obtained during the same time period at the sampling point for discharge 001, for the below parameters.

Receiving Water Name and Classification: Cidra River, SD

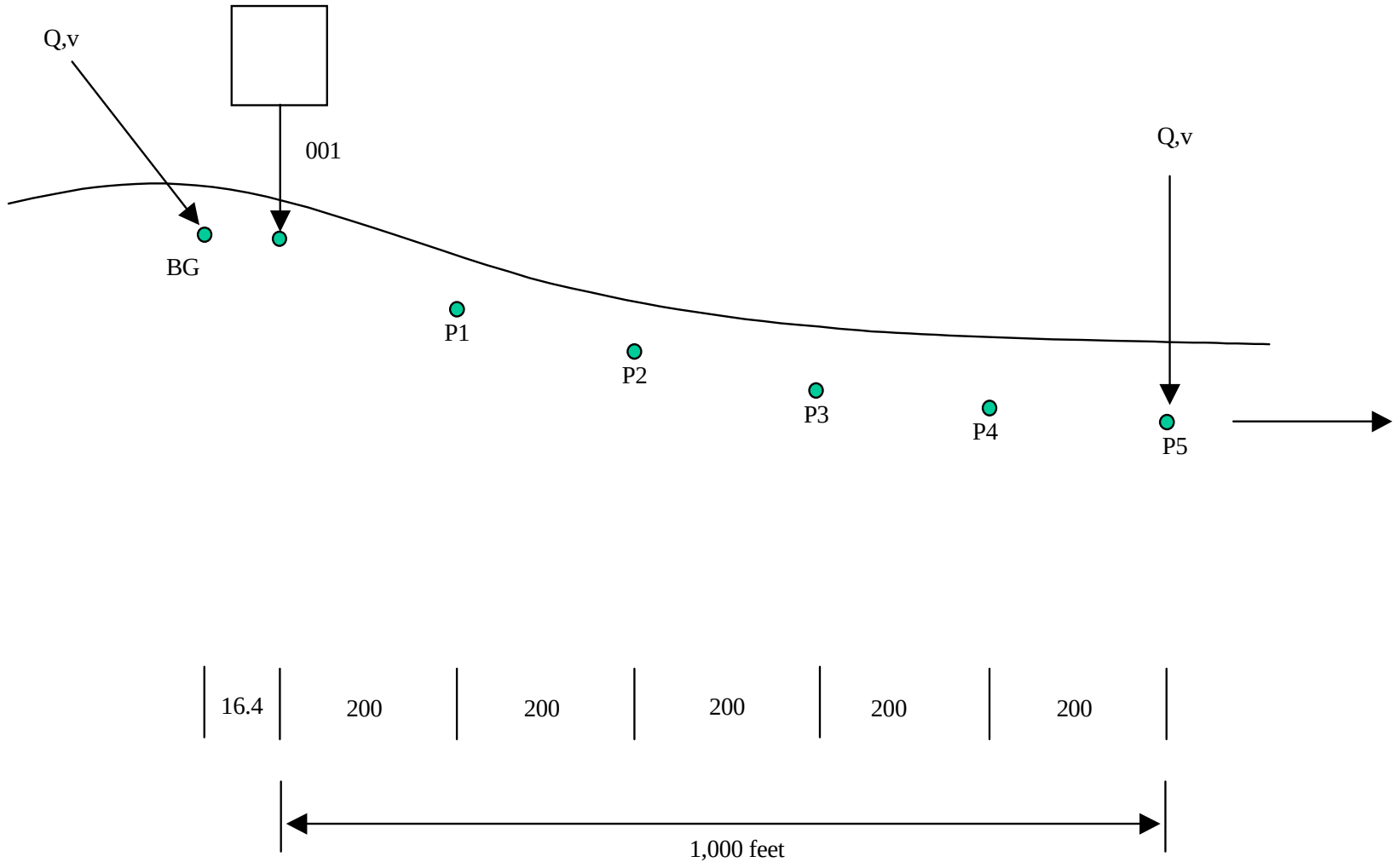
	Monitoring Requirements		
Parameters	**Measurement Frequency**	**Sample Type**	**Location**
BOD_5 (mg/L)	Quarterly	Composite*	A, B, C
BOD_u (mg/L)	Quarterly	24 – Hour Composite	A
Dissolved Oxygen (mg/L)	Quarterly	Grab	A, B, C
Flow (MGD, cfs)	Quarterly	Instantaneous	B, D
pH (SU)	Quarterly	Grab	A, B, C
Temperature (^oF)	Quarterly	Grab	A, B, C
Total Ammonia (NH_3) (mg/L)	Quarterly	Composite*	A, B, C
Velocity (Avg.) (ft/s)	Quarterly	Instantaneous	B, D

Notes:

* Samples shall be taken at one (1) hour intervals for six (6) consecutive hours. These shall be grab samples that will be mixed in equal portions to prepare a composite sample at each one of the required locations.

Sampling Locations:
A = Point of discharge 001.
B = Background station, located five (5) meters upstream from discharge 001.
C = Five (5) points downstream of the discharge 001 along a receiving water segment of one thousand (1,000) feet, as shown in Figure 1 (Page No. 9).
D = Point 5, located one thousand (1,000) feet downstream of the discharge 001.

FIGURE - 1



A. SPECIAL CONDITIONS

These special conditions are an integral part of the permit:

1. The flow of discharge 001 shall not exceed the limitation of 2,093.3 m^3/day (0.553 MGD) as daily maximum. No increase in flow of discharge 001 shall be authorized without a recertification from the Environmental Quality Board (EQB). [1,5]

2. No toxic substances shall be discharged, in toxic concentrations, other than those allowed as specified in the NPDES permit. Those toxic substances included in the Permit Renewal Application, but not regulated by the permit, shall not exceed those concentrations as specified in the applicable regulatory limitations. [2, 3]

3. The waters of Puerto Rico shall not contain any substance, attributable to discharge 001, at such concentration which, either alone or as result of synergistic effects with other substances, is toxic or produces undesirable physiological responses in humans, fish or other fauna or flora. [2]

4. The samples taken for the analysis of mercury shall be analyzed using the analytic method approved by the EPA with the lowest possible detection level, in accordance with Section 6.8 of the Puerto Rico Water Quality Standards Regulation (PRWQSR), as amended. [3,6]

5. The permittee shall use the approved EPA analytical method, with the lowest possible detection limit, in accordance with the 40 CFR, Part 136 for Sulfide (as S). Also, the permittee shall complete the calculations specified in Method 4500-S^{-2} F, Calculation of Un-ionized Hydrogen Sulfide, of Standards Methods 18th Edition, 1992, to determine the concentration of undissociated H_2S. If the sample results of Dissolved Sulfide are below the detection limit of the approved EPA method established in the 40 CFR, Part 136, then, the concentration of undissociated H_2S shall be reported as "below detection limit". [1,3]

6. All sample collection, preservation, and analysis shall be carried out in accordance with the 40 CFR Part 136. A licensed chemist authorized to practice the profession in Puerto Rico shall certify all chemical analyses. A licensed microbiologist or a medical technician authorized to practice the profession in Puerto Rico shall certify all bacteriological tests. [1,3]

7. The solid wastes (sludge, screenings and grit) generated due to the treatment system operation shall be:

   a. Disposed in compliance with the applicable requirements established in the 40 CFR Part 257. A semiannual report shall be submitted to EQB and EPA notifying the method or methods used to dispose the solid wastes generated in the facility. Also, copy of the approval or permit applicable to the disposal method used shall be submitted, if any.

   b. Transported adequately in such way that access is not gained to any body of water or soil. In the event of a spill of solid waste on land or into a body of water, the permittee shall

notify the Point Sources Permits Division of EQB's Water Quality Area in the following manners:

1) By telephone communication within a term no longer than twenty four (24) hours after the spill (787-767-8073).

2) By letter, within a term no longer than five (5) days after the spill.

These notifications shall include the following information:

a) Spill material
b) Spill volume
c) Measures taken to prevent the spill material to gain access to any body of water

This special condition does not relieve the permittee from its responsibility to obtain the corresponding permits from the EQB's Solid Wastes Program and other state and federal agencies, if any. [5, 7]

8. A log book should be kept for the material removed from the permittee's facility (solids wastes as sludge, screenings and grit) detailing the following items:

a. Removed material, date and source of it.
b. Approximate volume and weight.
c. Method by which it is removed and transported.
d. Final disposal and location.
e. Person that offers the service.

A copy of the Non Hazardous Solid Waste Collection and Transportation Service permit issued by the authorized official from the EQB should be attached to the log book. [3]

9. The sludge produced within the facility due to the operation of the system shall be analyzed and all constituents shall be identified as required by "Standards for the Use or Disposal of Sewage Sludge" (40 CFR Part 503). The sludge shall be disposed properly in such manner that water pollution or other adverse effects to surface waters or to ground water do not occur. [3,7]

10. If any standard or prohibition to the sanitary sludge disposal is promulgated and said prohibition or standard is more stringent than any condition, restriction, prohibition or standard contained in the NPDES permit, such permit shall be modified accordingly or revoked and reissued to be adjusted with regard to such prohibition or standard. [7]

11. The EQB has performed a Waste Load Allocation (WLA) pursuant to Rule 1310 of the PRWQSR, as amended. The WLA will not be transferable and do 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, or any infringement of Federal or State Laws or Regulations. [4]

12. Each condition of this WQC is considered as separate. Therefore, if the applicability of any condition of this WQC is stayed due to any circumstance, the remaining conditions of this WQC will not be affected.

11. No changes in the design or capacity of the treatment system will be permitted without the previous authorization of EQB. [5]

12. Prior to the construction of any additional treatment system or the modification of the existing one, the permittee shall obtain the approval of the engineering report, plans and specifications from EQB. [5]

13. The permittee shall install, maintain and operate all water pollution control equipment in such manner as to be in compliance with the applicable Rules and Regulations. [1, 3]

14. The flow measurement device for the discharge 001 shall be periodically calibrated and properly maintained. Calibration and maintenance records must be kept in compliance with the applicable Rules and Regulations. [3,5]

15. The sampling point for discharge 001 shall be located immediately after the primary flow measuring device of the effluent of the treatment system.

16. The sampling point for discharge 001 shall be labeled with a 18 inches X 12 inches (minimum dimension) sign that reads as follows:

    "Punto de Muestreo para la Descarga 001"

17. All water or wastewaters treatment facilities, whether publicly or privately owned, must be operated by a person licensed by the Potable Water and Wastewaters Treatment Plants Operators Examining Board of the Commonwealth of Puerto Rico. [3]

18. The permittee shall conduct quarterly acute toxicity tests, for a period of one (1) year, of its wastewater discharge through outfall serial number 001 in accordance with the following:

    a. The toxicity tests shall be conducted in accordance with the EPA publication, EPA-821-R-02-012 Methods for *Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (Fifth Edition), October 2002, or the most recent edition of this publication, if such edition is available.

    b. The tests shall provide a measure of the acute toxicity as determined by the wastewater concentration, which cause 50 percent mortality of the organisms over a 48 hour period. Test results shall be expressed in terms of *Lethal Concentration* (LC) and reported as 48 hour LC50.

c. The test species should be the *Fathead Minnow* (Pimephales promelas) and *Cladocera* (Daphnia magna). The tests should be static renewal type**.**

d. A procedure report shall be submitted to both agencies, EQB and EPA, ninety (90) days after the effective date of the NPDES permit (EDP). The following information shall be included in the procedure report:

1. An identification of the organizations responsible for conducting the test and the species to be tested.

2. A detailed description of the methodology to be utilized in the conduct of the tests, including equipment, sample collection, dilution water and source of test organisms.

3. A schematic diagram which depicts the effluent sampling location. The diagram shall indicate the location of effluent sampling in relation to wastewaters treatment facility and discharge monitoring point.

e. The tests shall be conducted quarterly for a period of one (1) year and shall commence not later than one hundred eighty (180) days after EDP. The results shall be submitted to EPA Region II and EQB within sixty (60) days of completion of each test. Based on a review of the test results, EPA or the EQB may require additional toxicity tests, including chronic toxicity analyses. In addition to submitting the procedures report and test results to the addresses listed in Part I.B. of this permit, results shall be submitted to:

MUNICIPAL WATER PROGRAM BRANCH, CHIEF
CARIBBEAN ENVIRONMENTAL PROTECTION AGENCY
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION II
CITY VIEW PLAZA II, #48 RD, 165, KM 1.2
GUAYNABO, PUERTO RICO 00968-8069

f. Reopener Clause for Toxicity Testing Requirements
Based on a review of the test results, the Regional Administrator of EPA or the EQB can require additional toxicity tests, including chronic tests and toxicity/treatability studies, and may impose toxicity limitations. This permit may be reopened by EPA to include such requirements as enforceable permit conditions.

19. The discharge 001 shall not cause the presence of oil sheen in the receiving water body. [2]

20. If a significant industrial user (SIU) as defined at 40 CFR '403.3(f) is identified, PRASA shall perform a written technical evaluation of the need to revise local limits for the **Adjuntas WWTP** wastewater treatment plant in accordance with 40 CFR 403.5(c)(1). The schedule for the providing written reports documenting the local limits technical evaluation shall not exceed:

a. One (1) month after new SIU Discharge Commencing Date: Review plant operations, NPDES limits and discharge monitoring reports to determine the need for local limits.

b. Five (5) months after new SIU Discharge Commencing Date: Complete all the necessary data collection for the evaluation of local limits, including data for infuent, effluent, sludge, domestic sources and industrial users. Conduct an analysis of the maximum allowable headworks load (MAHL) for identified pollutants of concern (POC) based on NPDES permit limit listed in Table A-1, water quality standards, sludge standards, and any additional pollutant criteria necessary to prevent pass through and interference. The headworks analysis must include an explanation of the removal capabilities of plant. Provide results of the analysis to EPA for review.

c Seven (7) months after new SIU Discharge Commencing Date: Complete local limits technical evaluation based on MAHL, domestic loading, and proposed allocation to non-domestic sources. Provide results of the analysis and proposed local limits to EPA for review.

d. Nine (9) months after new SIU Discharge Commencing Date: Public notice of final, EPA-approvable local limits for public comments.

e. Twelve (12) months after new SIU Discharge Commencing Date: Provide to EPA results of the public notice and response to comments if the proposed limits are changed. If the changes resulted in less stringent local limits, EPA approval is necessary before adoption. Incorporate final local limits into industrial users' permits.

1, 2, 3, 4, 5, 6 and 7 see next page

A. REFERENCES OF SPECIAL CONDITIONS

1. According to Rule 1301 of the Puerto Rico Water Quality Standards Regulation, as amended.

2. According to Rule 1303 of the Puerto Rico Water Quality Standards Regulation, as amended.

3. According to Rule 1306 of the Puerto Rico Water Quality Standards Regulation, as amended.

4. According to Rule 1310 of the Puerto Rico Water Quality Standards Regulation, as amended.

5. According to the Environmental Public Policy Act of September 22, 2004, Act No. 416, as amended.

6. According to the Title 40 of the Code of Federal Regulations (40 CFR), Part 131.36, as amended (Federal Register/Volume 57, No. 246/Tuesday, December 22, 1992).

7. According to the Section 405 (d) (4) of Federal Clean Water Act, as amended (33 U.S.C. 466 *et seq.*).

8. According to the Title 40 of the Code of Federal Regulations (40 CFR), Part 131.42 (Federal Register/Volum 72, No. 238/Wednesday, December 12, 2007).

B. MONITORING AND REPORTING REQUIREMENTS

1. Monitoring and records. See Part II.B.10.

2. Discharge monitoring reports.

a. See Part II.B.12.d.

b. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on **{ENTER DATE HERE = 28th day of month after permit effective date}**. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and State Director at the following addresses:

COMPLIANCE ASSISTANCE
PROGRAM SUPPORT BRANCH
REGION II
U.S. ENVIRONMENTAL PROTECTION AGENCY
290 BROADWAY - 21ST FLOOR
NEW YORK, NEW YORK 10007-1866

DIRECTOR
US EPA REGION II
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II - 7000
48 RD. 165 KM. 1.2
GUAYNABO, PUERTO RICO 00968-8069

ENVIRONMENTAL QUALITY BOARD OF PUERTO RICO
P.O. BOX 11488
SANTURCE, PUERTO RICO 00910
ATTN: WATER QUALITY BUREAU

3. Twenty-four hour reporting.

a. Pollutants for which the permittee must report violations of maximum daily discharge limitations under paragraph 12.f of Part II.B (40 CFR §122.41(1)(6)(ii)(C)) (24 hour reporting).

C. PROHIBITED DISCHARGE STANDARDS

Pursuant to Section 307 of the Act and regulations promulgated thereafter at 40 CFR 403.5, the permittee shall under no circumstances allow the introduction of the following pollutants into the POTW (publicly-owned treatment works):

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the work is specifically designed to accommodate such discharges;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interference with the operation of the POTW;

4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40°C (104°F);

6. Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

D. PRETREATMENT PROGRAM

l. <u>Pretreatment Program Requirements</u>

The permittee shall implement an Industrial Pretreatment Program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the legal authorities, policies, procedures, and financial provisions described in the permittee's approved pretreatment program. The pretreatment program submission entitled "Puerto Rico Aqueduct and Sewer Authority Pretreatment Program", dated August 1985 was approved on September 26, 1985. The permittee’s pretreatment program is hereby incorporated by reference and shall be implemented in a manner

consistent with the following requirements:

(a) The permittee shall develop and enforce specific limits to implement the prohibitions listed in 40 CFR 403.5 (a)(1) and (b). Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(b) The permittee shall control through permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of industrial users identified as significant under 40 CFR 403.3(t), this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain at a minimum a statement of duration (not to exceed 5 years), effluent limitations, sampling protocols, compliance schedule if appropriate, reporting requirements, and appropriate standard conditions.

(c) The permittee shall maintain and update industrial user information at a frequency adequate to ensure proper identification of industrial users subject to pretreatment standards, appropriate characterization of the nature of their discharges, and correct designation of industrial users.

(d) The permittee shall evaluate at least once every two years, whether each significant industrial user needs a plan to control slug discharges. If a slug control plan is needed, it shall contain at least the minimum elements required in 40 CFR 403.8(f)(2)(v).

(e) The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements.

(f) In keeping with the requirements of 40 CFR 403.8(f)(2)(v), the permittee must inspect and sample the effluent from each significant industrial user at least once per year. This is in addition to any industrial self-monitoring activities.

2. Pursuant to 40 CFR 403.5(e), whenever, on the basis of information provided to the Director, Division of Enforcement and Compliance Assistance, U.S. Environmental Protection Agency, it has been determined that any source contributes pollutants in the permittee's treatment works in violation of subsection (d) of Section 307 of the Clean Water Act, notification shall be provided to the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.

3. Sampling

The permittee shall conduct all sampling specified in this permit and the approved pretreatment program.

4. Pretreatment Report

The permittee shall provide to the U.S.EPA Region II an annual report that briefly describes the permittee's program activities over the previous twelve months. The Agency may modify, without formal notice, this reporting requirement to require less frequent reporting if it is determined that the data in the report does not substantially change from year to year. The permittee must also report on the pretreatment program activities of all participating agencies. This report shall be submitted to the address cited in Part I section B.2. of this permit no later than December 1 of each year for the period covering September 1 through August 31 of the preceding year and shall include:

(a) An updated industrial survey, as appropriate.

(b) Results of any wastewater sampling conducted in accordance with the approved Pretreatment Program and General Pretreatment Regulations. In addition, the permittee shall provide an analysis and discussion as to whether the existing local limitations specified in Section 5.02 and Appendix A of the Puerto Rico Aqueduct & Sewer Authority Rules and Regulations for the Supply of Water and Sewer Service continue to be appropriate to prevent treatment plant interference, pass through of pollutants that could affect water quality, and sludge contamination. Such an analysis would be based on an updated industrial user inventory and any headwork priority pollutant scan.

(c) Status of Program implementation to include:

i. Any proposed substantial modifications to the pretreatment program as originally approved by USEPA to include but not limited to; local limitations, special agreements, and staffing and funding updates.
ii. Any interference, upset or permit violations experienced at any of the POTW directly attributable to industrial users.

iii. Listing of significant industrial users issued Industrial Discharge Permits.

iv. Listing of significant industrial users inspected and/or monitored during the previous reporting period and summary of results.

v. Listing of significant industrial users planned for inspection and/or monitoring for the next reporting period along with inspection frequencies.

vi. Listing of significant industrial users notified of promulgated pretreatment

standards, local standards or any applicable requirements under Section 405 of the Clean Water Act and Subtitle C and D of the Resource Conservation and Recovery Act, as required in 40 CFR Part 403.8(f)(2)(iii).

vii. Listing of significant industrial users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.

viii. Planned changes in the implementation program.

(d) Status of enforcement activities to include:

i. Listing of categorical industrial users, who failed to submit baseline reports or any other reports as specified in 40 CFR 403.12(d) and in Section 5.05 of the Puerto Rico Aqueduct & Sewer Authority Rules and Regulations for the Supply of Water and Sewer Service.

ii. Listing of significant industrial users not complying with Federal or local pretreatment standards as of the final compliance date.

iii. Summary of enforcement activities taken or planned against non-complying industrial users. The permittee shall publish, at least annually in the largest daily newspaper within the permittee's service area, a list of significant industrial users which, during the previous twelve months were in significant noncompliance with the applicable pretreatment standards or requirements. Significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(vii) or criteria established in the permittee's approved pretreatment program.

5. The permittee shall notify EPA 60 days prior to any major proposed changes in its existing sludge disposal practices.

6. The permittee shall provide adequate staff, equipment, and support capabilities to carry out the elements of the pretreatment program.

7. The permittee shall provide notice to EPA of the following:

(a) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants; and

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of

issuance of the permit.

(c) For purposes of this paragraph, adequate notice shall include information on:

i. the quality and quantity of effluent introduced into the POTW,

and

ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

E. SEWAGE SLUDGE REQUIREMENTS

1. Reopener: If an applicable "acceptable management practice" or numerical limitation for pollutants in sewage sludge promulgated under Section 405(d)(2) of the Clean Water Act as amended by the Water Quality Act of 1987 is more stringent than the sludge pollutant limit or acceptable management practice in this permit, or controls a pollutant not limited in this permit, this permit shall be promptly modified or revoked and reissued to conform to the requirements promulgated under Section 405(d)(2). The permittee shall comply with limitations by no later than the compliance deadline specified in the applicable regulations as required by Section 405(d)(2)(D) of the Clean Water Act.

2. Cause for modification. 40 CFR §122.62 (a)(1) provides that the permit may be modified (but not revoked and reissued except when the permittee requests or agrees) where there are material and substantial changes or additions to the permitted facility or activity, including a change or changes in the permittee's sludge use or disposal practice, which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

3. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a Municipal Solid Waste Landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

4. The permittee shall comply with 40 CFR Part 503. In accordance with 40 CFR Part 503.4, treatment works sending sewage sludge to a MSWLF shall meet the requirements of Part 258, that is, ensure that the sewage sludge is non-hazardous and non-liquid (ie., it passes the Paint Filter Liquids Test).

5. Sewage sludge shall be evaluated (*See below) for hazardous waste characteristics specified at 40 CFR Part 261 Subpart C. Sludge shall be tested after final treatment prior to leaving the POTW site. Sewage sludge determined to be a hazardous waste in accordance with 40 CFR Part 261, shall be handled according to RCRA standards for the disposal of hazardous waste in accordance with 40 CFR Part 262. The disposal of

sewage sludge determined to be a hazardous waste, in other than a certified hazardous waste disposal facility shall be prohibited. If the sludge is determined to be a hazardous waste, the RCRA Compliance Branch (telephone no. (212) 637-4144) and EQB shall be notified within twenty four (24) hours. In addition, a written report shall be provided to EPA within seven (7) days of such determination. The report shall contain test results, certification that unauthorized disposal has not occurred and a summary of alternative disposal plans that comply with RCRA standards for the disposal of hazardous waste. The report shall be addressed to: Branch Chief, RCRA Compliance Branch, Division of Enforcement and Compliance Assistance, EPA Region 2, 290 Broadway, New York, New York 10007-1866. A copy of this report shall be sent to the Chief, Enforcement and Superfund Branch, Caribbean Environmental Protection Division, City View Plaza II, #48 RD. 165 Km 1.2 Guaynabo , PR 00968-8069. After the sewage sludge has been monitored for two years and if it has not been determined to be a hazardous waste, the monitoring frequency shall be once per year.

6. Sewage sludge shall be tested (*See below) in accordance with the method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846). After the sewage sludge has been monitored for two years and has passed the paint filter tests, the monitoring frequency shall be once per year.

7. The permittee shall comply with 40 CFR Part 503, which requires preparers of sewage sludge to submit annual reports no later than February 19 of every year. The annual report shall include the following information:

   a. Amount of sludge generated, in dry metric tons.

   b. Use or disposal practices.

   c. Amount of sludge that goes to each use or disposal practice.

   d. The name and address of the Municipal Solid Waste Landfill.

   e. Results of the hazardous waste determination (per 40 CFR Part 261) conducted on the sludge to be disposed.

   f. Results of the Paint Filter Liquids Test conducted on the sludge to be disposed.

   The report shall be submitted to:

   MUNICIPAL WATER PROGRAM BRANCH , CHIEF
   CARIBBEAN ENVIRONMENTAL PROTECTION AGENCY
   U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION II
   CITY VIEW PLAZA II - 7000

48 RD. 165 KM. 1.2
GUAYNABO, PUERTO RICO 00968-8069

* **Monitoring Requirements**

Amount of Sludge (Metric Tons per 365-day Period)	Monitoring Frequency
Less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Twice per year
Equal to or greater than 1,500	Once per quarter

A. DEFINITIONS

1. "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.

2. "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.

3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

4. "Composite" means a combination of individual (or continuously taken) samples of at least 100 milliliters, collected at periodic intervals over the entire discharge day. The composite must be flow proportional; either the time interval between each sample must be proportional to the discharge flow (i.e. samples of equal volume taken every "X" gallons of flow) or the volume of each sample must be proportional to the discharge flow (i.e. a proportional volume sample taken at constant time intervals). Samples may be collected manually or automatically. For a continuous discharge, a minimum of 24 individual samples shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of less than four (4) hours duration, samples shall be taken at a minimum of 15 minute intervals. For intermittent discharges of more than four (4) hours duration, samples shall be taken at a minimum of 30 minute intervals.

5. "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 discharge over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of pollutant over the day. For purposes of sampling, "daily" means an operating day or 24-hour period.

6. "Director" means the "Regional Administrator" or the "State Director", as the context requires, or an authorized representative. Until the State has an approved State program authorized by EPA under 40 C.F.R. Part 123, "Director" means the Regional Administrator. When there is an approved State program, "Director" normally means the State Director. Even in such circumstances, EPA may retain authority to take certain action (see, for example, 40 C.F.R. 123.1(d), 45 Federal Register 14178, April 1, 1983, on the retention of jurisdiction over permits EPA issued before program approval). If any condition of this permit requires the reporting of information or other actions to both the Regional Administrator and the State Director, regardless of who has permit-issuing authority, the terms "Regional Administrator" and "State Director" will be used in place of "Director".

7. "Discharge Monitoring Report" or "DMR" means the EPA uniform national form, including any subsequent additions, revisions, or modifications, for the reporting of self-monitoring results by permittees.

8. "Grab" means an individual sample collected in less than 15 minutes.

9. "Gross" means the weight or the concentration contained in the discharge. (Unless a limitation is specified as a net limitation, the limitation contained in this permit is a gross limitation).

10. "Maximum daily discharge limitation" means the highest allowable "daily discharge".

11. "Monthly" means one day each month (the same day each month) and a normal operating day (e.g., the 2nd Tuesday of each month).

12. "Net" means the amount of a pollutant contained in the discharge measured in appropriate units as specified herein, less the amount of a pollutant contained in the surface water body intake source, measured in the same units, over the same period of time, provided:

a. The intake water source must be drawn for the same body of water into which the discharge is made; and

b. In cases where the surface water body intake source is pretreated for the removal of pollutants, the intake level of a pollutant to be used in calculating the net is that level contained after the pretreatment steps.

13. "Regional Administrator" means the Regional Administrator of Region II of EPA or the authorized representative of the Regional Administrator.

14. "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.

15. "State Director" means the chief administrative officer of the State water pollution control agency, or the authorized representative of the State Director.

16. "Toxic pollutant" means any of the pollutants listed in 40 C.F.R. §401.15 (45 F.R. 44503, July 30, 1979) and any modification to that list in accordance with Section 307 (a)(1) of the Clean Water Act.

17. "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.

18. "Weekly" means every seventh day (the same day of each week) and a normal operating day.

B. GENERAL CONDITIONS

TABLE OF REGULATORY REFERENCES FOR GENERAL CONDITIONS

Note: General Condition language in Part II, Sections B.1 through B.14, and B.17 is based on the **July 1, 2010** Code of Federal Regulations (C.F.R.). Reference to language in the U.S.C. (United States Code) is based on the date of permit issuance.

Section	Section Title	Reference
B.1.	Duty to Comply	40 C.F.R. §122.41(a)
B.2.	Duty to Reapply	40 C.F.R. §122.41(b)
B.3.	Need to Halt or Reduce not a Defense	40 C.F.R. §122.41(c)
B.4.	Duty to Mitigate	40 C.F.R. §122.41(d)
B.5.	Proper operation and maintenance	40 C.F.R. §122.41(e)
B.6.	Permit actions	40 C.F.R. §122.41(f)
B.7.	Property rights	40 C.F.R. §122.41(g)
B.8.	Duty to provide information	40 C.F.R. §122.41(h)
B.9.	Inspection and Entry	40 C.F.R. §122.41(i)
B.10.	Monitoring and records	40 C.F.R. §122.41(j)
B.11.	Signatory requirements	40 C.F.R. §122.41(k)
B.12.	Reporting Requirements	40 C.F.R. §122.41(l)
B.13.	Bypass	40 C.F.R. §122.41(m)
B.14.	Upset	40 C.F.R. §122.41(n)
B.15.	Removed substances	33 U.S.C. §1311
B.16.	Oil and hazardous substance liability	33 U.S.C. §1321
B.17.	Reopener clause for toxic effluent limitations	40 C.F.R. §122.44(b)(1)
B.18.	State laws	33 U.S.C. §1370
B.19.	Availability of information	33 U.S.C. §1318
B.20.	Severability	-

1. Duty to Comply.

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

b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

c. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Clean Water 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 Clean Water Act, is subject to a civil penalty not to exceed $25,000 per day for each violation (as adjusted by 40 C.F.R. Part 19).

d. The Clean Water Act provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing any such sections in ~~a~~ permit issued under section 402 of the Clean Water Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Clean Water Act, is subject to criminal penalties of not less than $2,500 nor more than $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 of the Clean Water Act, 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.

e. The Clean Water Act provides that any person who knowingly violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing any of such sections in ~~a~~ permit issued under section 402 of the Clean Water Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Clean Water Act, is subject to criminal penalties of not less than $5,000 nor more than $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 of the Clean Water Act, 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.

f. Any person who knowingly violates Sections 301, 302, 303, 306, 307, 308, 318 or 405 of the Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Clean Water 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. A

person which is an organization, as defined at 33 U.S.C. 309(c)(3)(B)(iii), shall, upon conviction be subject to a fine of not more than $1,000,000. In the case of a second or subsequent conviction for a knowing endangerment violation of the Clean Water Act, the maximum punishment shall be doubled with respect to both fine and imprisonment.

g. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Clean Water Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this chapter, shall upon conviction, be punished by a fine of not more than $10,000, or imprisonment for not more than 2 years, or both. In the case of a second or subsequent conviction, under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

h. 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. Administrative penalties for Class I violations are not to exceed $10,000 per violation (as adjusted by 40 C.F.R. Part 19), with the maximum amount of any Class I penalty assessed not to exceed $25,000 (as adjusted by 40 C.F.R. Part 19). Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues (as adjusted by 40 C.F.R. Part 19), with the maximum amount of any Class II penalty not to exceed $125,000 (as adjusted by 40 C.F.R. Part 19).

2. Duty to Reapply. This permit and the authorization to discharge shall terminate on the expiration date indicated on the first page. In order to receive authorization to discharge after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permit issuing authority remains EPA, the permittee shall complete, sign, and submit an application to the Regional Administrator no later than 180 days before the expiration date.

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

4. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

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

6. Permit actions.

a. This permit may be modified, revoked and reissued, or terminated during its term pursuant to 40 C.F.R. Part 122, Subpart D. 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.

7. Property rights. This permit does not convey any property rights of any sort**,** or any exclusive privileges.

8. 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.

9. Inspection and Entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

10. Monitoring and records.

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 C.F.R. part 503), 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 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.

c. Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) analyses were performed;

(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of such analyses.

d. Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136 and any subsequent changes to the methods contained therein unless another method is required under 40 C.F.R. subchapters N or O.

e. 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, or by imprisonment for not more than 2 years, or by 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 four years, or both. (See U.S.C. §1319(c)(4)).

11. Signatory requirements. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 C.F.R. §122.22)

a. Applications. All permit applications shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 C.F.R. §122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 C.F.R. §122.22(a)(1)(ii) rather than to specific individuals.

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph 11.a of Part II.B, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph 11.a of Part II.B;

(2) 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, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Regional Administrator, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York, 10007-1866, Attention: Compliance Assistance Program Support Branch, and to the State Director.

c. Changes to authorization. If an authorization under paragraph 11.b of Part II.B is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph 11.b of Part II.B must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under paragraph 11.a or 11.b of Part II.B shall make the following certification:

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

e. The Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by imprisonment for not more than 6 months per violation, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both. (See section 309.c.4 of the Clean Water Act).

12. <u>Reporting Requirements</u>.

a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. §122.29(b);

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under paragraph 4.a of Part I.B (40 C.F.R. §122.42(a)(1)); or

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. 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.

c. Transfers. This permit is not transferable to any person except after notice to the Director. 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. (See 40 C.F.R. §122.61; in some cases, modification or revocation and reissuance is mandatory.)

d. Monitoring reports. Monitoring results shall be reported at the intervals specified in Part I of this permit.

(1) Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. 136, or another method required for an industry-specific waste stream under 40 C.F.R. subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four hour reporting.

(1) 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 to the Regional Administrator at (732) 548-8730 and State Director. A written submission shall also be provided within 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 reoccurrence of the noncompliance.

(2) The following shall be included as information which must be reported within 24 hours under this paragraph.

(a) Any unanticipated bypass (see 13 below) which exceeds any effluent limitation in the permit. (See 40 C.F.R. §122.41(g)).

(b) Any upset (see 14 below) which exceeds any effluent limitation in the permit.

(c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 C.F.R. §122.44(g)).

(3) The Director may waive the written report on a case-by-case basis for reports under paragraph 12.f.(2) of Part II.B if the oral report has been received within 24 hours.

g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs 12.d, e, and f of Part II.B, at the time the monitoring reports are submitted. The reports shall contain the information listed in paragraph 12.f of Part II.B.

h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

13. <u>Bypass</u>

a. 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 13.b. and 13.c of Part II.B.

b. 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 paragraph 12.f of Part II.B (24-hour notice).

c. 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 adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement 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 13.b of Part II.B.

(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 13.b.(1) of Part II.B.

14. Upset.

a. 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 14.(b) of Part II.B are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. 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 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 paragraph 12.f.(2)(b) of Part II.B (24 hour notice); and

(4) The permittee complied with any remedial measures required under paragraph 4 of Part II.B (duty to mitigate).

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

15. Removed substances. Pursuant to section 301 of the Clean Water Act, solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters and/or the treatment of intake waters shall be disposed of in a manner such as to prevent any pollutant from

such materials from entering navigable waters. The following data shall be reported together with the monitoring data required in paragraph 2 of Part I.B:

a. The sources of the materials to be disposed of;

b. The approximate volumes and weights;

c. The method by which they were removed and transported; and

d. Their final disposal locations.

16. Oil and hazardous substance liability. The imposition of responsibilities upon, or the institution of any legal action against the permittee under Section 311 of the Clean Water Act shall be in conformance with regulations promulgated pursuant to Section 311 to discharges from facilities with NPDES permits.

17. Reopener clause for toxic effluent limitations. Other effluent limitations and standards under sections 301, 302, 303, 307, 318 and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the Director shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition. See also 40 C.F.R. §122.41(a).

18. State laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act. The issuance of this permit does not preempt any duty to obtain State or local assent required by law for the discharge.

19. Availability of information. (Section 308 of the Clean Water Act)

a. NPDES permits, effluent data, and information required by NPDES application forms provided by the Director under 40 C.F.R. §122.21 (including information submitted on the forms themselves and any attachments used to supply information required by the forms) shall be available for public inspection at the offices of the Regional Administrator and State Director.

b. In addition to the information set forth in subsection a., any other information submitted to EPA in accordance with the conditions of this permit shall be made available to the public without further notice unless a claim of business confidentiality is asserted at the time of submission in accordance with the procedures in 40 C.F.R. Part 2 (Public Information).

c. If a claim of confidentiality is made for information other than that enumerated in subsection a., that information shall be treated in accordance with the procedures in 40 C.F.R. Part 2. Only information determined to be confidential under those procedures shall not be made available by EPA for public inspection.

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

C. EFFECTIVENESS OF PERMIT

1. This permit shall become effective in its entirety on the date indicated on the first page of this permit unless a petition has been filed with the Environmental Appeals Board to review any condition of the permit decision pursuant to the provisions of 40 C.F.R. Part 124.19. All contested conditions and any uncontested condition(s) that are inseverable from the contested conditions shall be stayed. All other conditions shall become effective thirty (30) days after the date of the notification specified in 40 C.F.R. §124.16(a)(2)(ii).

2. For purposes of judicial review under Section 509(b) of the Clean Water Act, final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under 40 C.F.R. 124. Any party which neglects or fails to seek review under 40 C.F.R. §124.19, thereby waives its opportunity to exhaust available agency administrative remedies.