UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)
REGION 10
1200 SIXTH AVENUE, SUITE 900
SEATTLE, WASHINGTON 98101

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

UNITED STATES NAVY
140 SYLVESTER ROAD
SAN DIEGO, CALIFORNIA 92106

is authorized to discharge from the

ARCTIC ICE CAMP
located 100 – 200 nautical miles north of Deadhorse, Alaska

to

THE BEAUFORT SEA (the "receiving waters"),

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

This permit shall become effective: **DRAFT**

This permit and the authorization to discharge shall expire at midnight, **DRAFT**

THE PERMITTEE SHALL REAPPLY FOR A PERMIT REISSUANCE ON OR BEFORE
(180 days before the expiration of this permit) if the Permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this day of

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Daniel D. Opalski, Director
Office of Water and Watersheds

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TABLE OF SUBMITTALS

The following is a summary of some of the items the Permittee must complete and/or submit to EPA during the term of this permit:

ITEM	PERMIT SECTION	DUE DATE
DISCHARGE MONITORING REPORTS (DMR)	III.B.	DMRs are due annually and must be postmarked on or before the 1st day of June of each year of operation under this permit.
BEST MANAGEMENT PLAN (BMP)	II.A.	The Permittee must provide EPA with written notification that the Plan has been developed, or updated, and implemented within 60 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA upon request.
ANNUAL BMP REVIEW	II.A.3.j.	The Permittee must provide EPA with an annual statement that the Plan has been reviewed and fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member. This statement shall be submitted annually to EPA 14 calendar days prior to commencing operation under this permit after the initial BMP submittal.
QUALITY ASSURANCE PLAN (QAP)	II.B.	The Permittee must provide EPA with written notification that the Plan has been developed, or updated, and implemented within 60 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA upon request.
TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING	III.G.1. and III.H.	The Permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances.
NPDES APPLICATION RENEWAL	V.B	The application must be submitted at least 180 days before the expiration date of the permit.
DUTY TO PROVIDE INFORMATION	V.C	As specified in the request for information.

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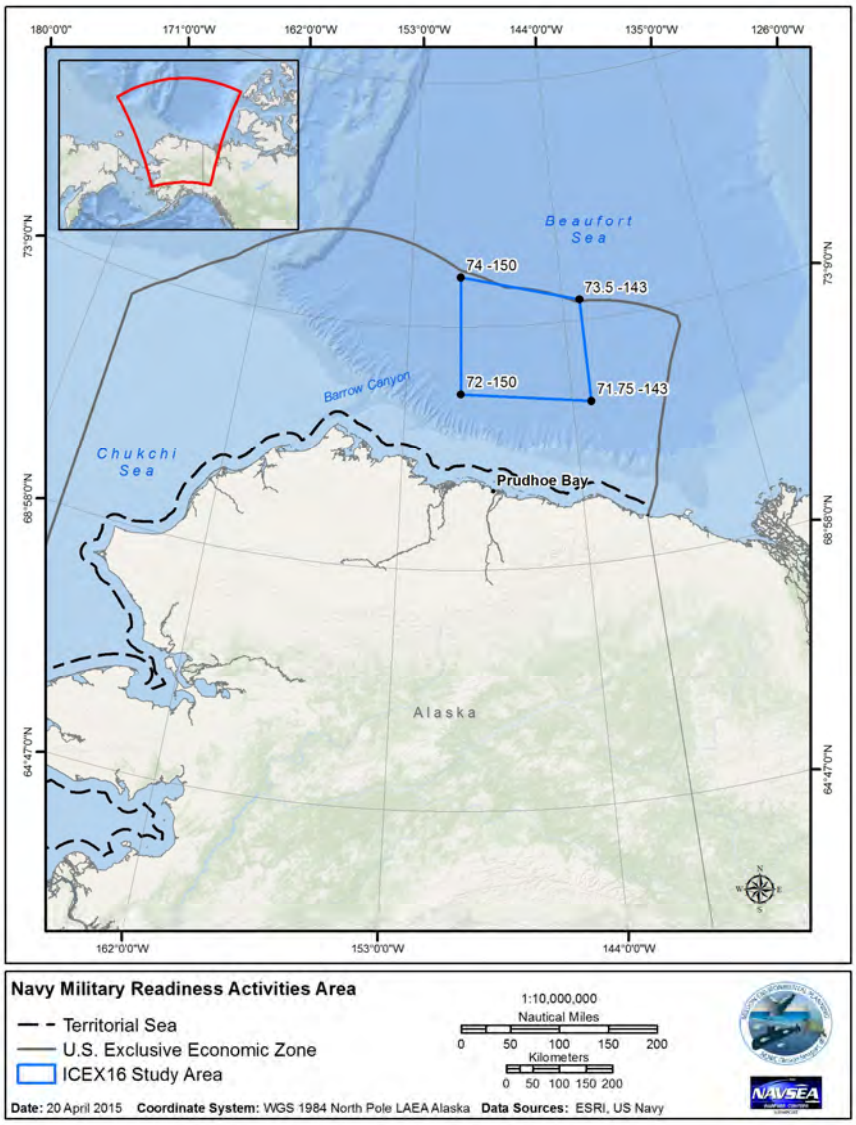

FIGURE 1: *Activity area of the U.S. Navy Arctic Ice Camp.*

I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. DISCHARGE AUTHORIZATION

During the effective period of this permit, the Permittee is authorized to discharge pollutants from outfalls specified herein to the Beaufort Sea, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. REQUIREMENTS FOR ALL DISCHARGES

1. The Permittee must notify the Director in writing, within 14 calendar days of establishing the facility location, of the specific latitude and longitude of the Arctic Ice Camp. The notification described in this paragraph must be signed in accordance with the Signatory Requirements (VI.E) of this permit and is applicable each year that the Arctic Ice Camp is in operation.

2. The Permittee must submit all monthly Discharge Monitoring Reports (DMRs) in an Annual Report (See Permit Part III.B.) and must include the dates of when each authorized discharge commenced and ceased. If no discharges occur during a particular month (i.e. the months when the facility is not in operation), the permittee must indicate "no discharge" on the applicable month's DMR.

3. The Permittee must comply with the effluent limits in this permit at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

4. All effluent samples collected from any effluent stream must be taken after the last treatment unit and before discharge into receiving waters, except as otherwise required by discharge-specific provisions of this permit.

5. The Permittee must report all violations of the requirements established in Table 1 in accordance with the 24-hour reporting requirement in Part III.G.1. Violations of all other permit requirements are to be reported in the Annual Report (See Parts III.B., III.G. and III.H.).

6. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application.

7. For purposes of reporting on the DMR for a single sample, if a value is less than the method detection limit (MDL), the Permittee must report "less than {numeric value of the MDL}" and if the value is less than the minimum

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level (ML), the Permittee must report "less than {numeric value of the ML}."

8. The Permittee is prohibited from discharging floating solids, garbage, debris, sludge, deposits, foam, scum or other residues of any kind.

9. The Permittee is prohibited from discharging surfactants and dispersants under this permit.

10. The Permittee is prohibited from leaving any facility debris on the ice during the end-of-season demobilization of the Arctic Ice Camp.

11. Any commingled discharges are subject to the most stringent effluent limitations for each individual discharge. If any individual discharge is not authorized, then a commingled discharge is not authorized.

12. When visual monitoring is required, the Permittee must conduct visual monitoring at the time of maximum estimated or measured discharge.

C. GRAYWATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 001)

1. The Permittee must limit and monitor discharges of graywater from Outfall 001 as specified in Table 1. The values represent maximum effluent limits unless otherwise indicated. The Permittee must comply with the effluent limits in Table 1 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

2. The Permittee is prohibited from discharging food solids and kitchen oils from food preparation.

3. The Permittee must use phosphate-free and minimally-toxic soaps and detergents for any purpose if graywater will be discharged into waters subject to this permit. Soaps and detergents must be free from toxic or bioaccumulative compounds.

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TABLE 1: *Graywater Effluent Limitations and Monitoring Requirements (Outfall 001).*

PARAMETER	EFFLUENT LIMITATIONS	SAMPLING FREQUENCY[1]	SAMPLE TYPE	REPORTED VALUES[6]
Flow	--	Daily	Estimate[5] or Meter	Average Weekly and Maximum Daily; *gpd*
pH	--	Weekly	Grab	Minimum and Maximum Values; *s.u.*
Total Suspended Solids (TSS)	--	Twice per year [2, 3]	Grab	*mg/L*
Biological Oxygen Demand (BOD_5)	--	Twice per year [2, 4]	Grab	*mg/L*
Oil and Grease	No Discharge	Daily	Observation	*Report*[7]
		When visual sheen observed	Grab	Average Monthly and Maximum Daily; *mg/L*
Floating Solids	No Discharge	Daily	Observation	*Report*[7]
Foam	No Discharge	Daily	Observation	*Report*[7]
Garbage	No Discharge	Daily	Observation	*Report*[7]
Oily Sheen	No Discharge	Daily	Observation	*Report*[7]

NOTES: [1] Required during periods of discharge.
[2] The Permittee must monitor TSS and BOD_5 no less than twice (2) per year and may cease monitoring if a total of five (5) samples do not exceed numeric monitoring triggers for the respective parameters. The Permittee may collect and analyze all five samples during one operation season. All samples must be collected during maximum occupancy at the facility and during periods of maximum discharge. *See Footnotes 3 and 4.*
[3] The numeric monitoring trigger for TSS is 298 mg/L. If there is no exceedance of this value for a total of five (5) samples, then the Permittee may cease TSS monitoring for the duration of the permit term.
[4] The numeric monitoring trigger for BOD_5 is 914 mg/L. If there is no exceedance of this value for a total of five (5) samples, then the Permittee may cease BOD_5 monitoring for the duration of the permit term.
[5] Any estimation of effluent flow must include a narrative discussion of how the estimate is derived and a description of the procedures in the QAP (Permit Part II.B.).
[6] Refer to Permit Part I.B.2.
[7] The daily observations must occur during periods of maximum discharge.

D. REVERSE OSMOSIS REJECT WATER EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (OUTFALL 002)

The Permittee must monitor reverse osmosis reject water discharges from Outfall 002 as specified in Table 2. The Permittee must comply with the requirements in Table 2 at all times, unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

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TABLE 2: *Reverse Osmosis Reject Water Effluent Limitations and Monitoring Requirements (Outfall 002)*			
PARAMETER	**SAMPLING METHOD**	**FREQUENCY[1]**	**REPORTED VALUES[3]**
Flow	Estimate[2] or Meter	Daily	Average Weekly and Maximum Daily; *gpd*
pH	Meter	Weekly	Maximum and Minimum; *s.u.*

NOTE: [1] Required during periods of discharge.
[2] Any estimation of effluent flow must include a narrative discussion of how the estimate is derived and a description of the procedures in the QAP (Permit Part II.B.).
[3] See Permit Part I.B.2.

E. MONITORING PROCEDURES

Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been approved by EPA.

1. Samples and measurements shall be representative of the volume and nature of the monitoring discharge.

2. The Permittee shall ensure that all effluent monitoring is conducted in compliance with good quality assurance and control procedures and the requirements of the permit.

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II. SPECIAL CONDITIONS

A. BEST MANAGEMENT PRACTICES (BMP) PLAN

1. Purpose

The Permittee must develop and implement a BMP Plan that achieves the objectives and the specific requirements listed below. The Permittee must operate the facility in accordance with its current BMP Plan or in accordance with subsequent amendments to the BMP Plan.

The BMP Plan must be completed prior to commencing activities and kept onsite (Permit Part II.A.4.d.). Within 60 days of the effective date of this permit, the Permittee must submit a letter to EPA certifying that the BMP Plan has been developed or updated and is being implemented.

2. Through implementation of the BMP Plan, the Permittee must:

(a) Prevent or minimize the generation and the potential for the release of pollutants from the facility to the waters of the United States through normal operations and ancillary activities; and

(b) Ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

3. The BMP Plan must be consistent with the following objectives and the general guidance contained in the publication entitled *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, October 1993) or any subsequent revisions to this guidance document:

(a) The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the Permittee to the extent feasible by managing each influent waste stream in the most appropriate manner.

(b) The Permittee must establish specific objectives for the control of pollutants by conducting the following evaluations:

(i) Each facility component or system must be exampled for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, and natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including loading or unloading operations or spillage or leaks.

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(ii) Where experience indicates a reasonable potential for equipment failure, natural condition (e.g. precipitation), or other circumstances to result in significant amounts of pollutants reaching the surface waters, the Plan should include prediction of the rate of flow and total quantity of pollutants that could be discharged from the facility as a result of each condition or circumstance.

(c) Ensure that the requirements of the BMP Plan are considered as part of planned facility modifications, and that construction and supervisory personnel are aware of and take into account possible spills or releases of pollutants during facility construction or demobilization.

(d) Ensure no facility debris is left on the ice during the end-of-season demobilization of the Arctic Ice Camp.

(e) Establish specific best management practices for each component or system capable of generating or causing a release of significant amounts of pollutants, and identify specific preventative or remedial measures to be implemented.

(f) Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations shall be referenced in the BMP Plan.

(g) Reflect requirements for Spill Prevention, Control, and Countermeasure plans under Section 311 of the Act and 40 CFR Part 112 and may incorporate any part of such plans into the BMP Plan by reference.

(h) Ensure that solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters are disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

(i) Use of local containment devices such as liners, dikes, drip pans and other structures where chemicals, fuels, and/or oils are being managed or stored.

(j) Include the following provisions concerning BMP Plan review:

(i) Annual review by engineering staff and the responsible facility manager.

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(ii) Annual review and endorsement by the Permittee's BMP Committee.

(iii) Include a statement that the above annual review has been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must include the dated signatures of each BMP Committee member as certification of the annual reviews.

(iv) The Permittee must submit a copy of the annual certification statement and a report of all changes in the BMP Plan to the Director at least 14 calendar days prior the commencing activities at the facility.

4. Documentation

(a) Be documented in narrative form, and must include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices.

(b) The BMP Plan must be organized with the following structure:

(i) name and location of the facility;

(ii) statement of BMP policy;

(iii) identification and assessment of potential effects of the pollutant discharges;

(iv) specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to:

(a) The modification of equipment, facilities, technology, processes, and procedures, and

(b) The improvement in management, inventory control, materials handling, or general operational phases of the facility;

(v) Reporting of BMP incidents. The written reports must include a description of the circumstances leading to the incident, corrective actions take and recommended changes to operating and maintenance practices and procedures to prevent reoccurrence.

(vi) good housekeeping;

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(vii) preventative maintenance;

(viii) inspections and records; and

(ix) employee training.

(c) The BMP Plan will include the following provisions concerning its review:

(i) provide for a review by the facility manager and appropriate staff; and

(ii) include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in the permit – the facility manager must certify and date the statement.

(d) The Permittee shall maintain a copy of its BMP Plan at the facility and shall make the plan available to EPA for review and approval upon request.

5. Modification of the BMP Plan

(a) The Permittee shall amend the BMP Plan whenever there is a change in the facility, its operations, or when any other circumstances materially increase the generation of pollutants and their release or potential release to the receiving waters. The Permittee shall modify the BMP Plan, as appropriate, when facility operations covered by the Plan change. Any such changes to the BMP Plan must be consistent with the objectives and specific requirements listed in Part II.A.2 and II.A.3. The facility manager or their designee must review and approve each change to the BMP Plan in accordance with Part II.A.3.j. and Part II.A.4.c.

(b) If a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release or potential release to the receiving waters and/or the specific requirements above, then the permit or the BMP Plan will be subject to modification to incorporate revised BMP requirements.

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B. QUALITY ASSURANCE PLAN (QAP)

The Permittee must develop, or update, a quality assurance plan (QAP) for all monitoring required by this permit. Within 60 days of the effective date of this permit, the Permittee must submit written notice to EPA that the QAP has been developed and implemented. Any existing QAPs may be modified to fulfill the requirements under this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent samples in support of the permit and in explaining data anomalies when they occur.

2. Throughout all sample collection and analysis activities, the Permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in: *EPA Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the form specified in these documents.

At a minimum the QAP shall include the following information:

(a) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the Permittee.

(b) Sample locations

(c) Sample collection techniques and quality samples (field blanks, replicates, duplicates, control samples, types of containers, holding times, etc…).

(d) Sample preservation methods.

(e) Sample shipping requirements.

(f) Instrument calibration procedures and preventative maintenance (frequency, standard, spare parts).

(g) Analytical methods (including quality control checks, quantification/detection levels, precision and accuracy requirements.

(h) Qualification and training of personnel.

3. All monitoring equipment shall be maintained in good working order and routinely calibrated. Calibration records shall be kept on all laboratory equipment and effluent monitoring equipment, including but not limited to effluent flow meters, pH meters, temperature meters, and weighing balances.

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4. The Permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP or a change in the guidance cited above.

5. Copies of the QAP must be kept on site and made available to EPA upon request.

III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. REPRESENTATIVE SAMPLING (ROUTINE AND NON-ROUTINE DISCHARGES)

1. To ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the Permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The Permittee must analyze the additional samples for those parameters in Part I. of this permit.

2. The Permittee must collect additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with Part III.C ("Monitoring Procedures"). The Permittee must report all additional monitoring in accordance with Part III.E ("Additional Monitoring by Permittee").

B. REPORTING OF MONITORING RESULTS

1. The Permittee must submit all monthly monitoring results through the submission of Discharge Monitoring Report (DMR) forms (EPA No. 3320-1) or equivalent with an Annual Report. The DMRs must include the dates of when an authorized discharge commenced and ceased. If no discharge occurs during a particular month (i.e. the months when the facility is not in operation), the Permittee must indicate "no discharge" on the applicable month's DMR. The Permittee must submit the Annual Report, postmarked by the 1st day of June, for each year of facility operation.

2. The Permittee must either submit monitoring data and other reports in paper form, or must report electronically using NetDMR, a web-based tool that allows the Permittee to electronically submit DMRs and other required reports via a secure internet connection. Specific requirements regarding submittal of data and reports in paper form or electronic form using NetDMR are described as follows:

(a) Paper Copy Submissions. The Permittee must sign and certify all DMRs, and other documents required by the permit, in accordance with the requirements of Part V.E of this permit ("Signatory Requirements"). The Permittee must submit legible originals of these documents to the Director, Office of Compliance and Enforcement at the following address:

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U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900 (OCE-101)
Seattle, Washington 98101
ATTN: ICIS Data Entry Team

(b) Electronic Copy Submissions (NetDMR).

(i) The Permittee must sign and certify all DMRs in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit paper copies of DMRs or other reports to EPA.

(ii) The Permittee may use NetDMR after requesting and receiving permission from U.S. EPA, Region 10. NetDMR is accessed from http://www.epa.gov/netdmr.

C. MONITORING PROCEDURES

Monitoring must be conducted according to test procedures approved under 40 CFR 136 or other EPA-approved methods, unless other test procedures have been specified in this permit.

D. ADDITIONAL MONITORING BY PERMITTEE

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the Permittee must include the results of that monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the Permittee must submit results of any other sampling, regardless of the test method used.

E. RECORDS CONTENTS

Records of monitoring information must include the:

1. date, exact place, and time of sampling or measurements;

2. name(s) of the individual(s) who performed the sampling or measurements;

3. date(s) analyses were performed;

4. names of the individual(s) who performed the analyses;

5. analytical techniques or methods used; and

6. results of such analyses.

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F. RETENTION OF RECORDS

The Permittee must 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, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the EPA at any time.

G. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The Permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances:

(a) any noncompliance that may endanger health or the environment;

(b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.G., "Bypass of Treatment Facilities");

(c) any upset that exceeds any effluent limitation in the permit (See Part IV.H., "Upset Conditions"); or

(d) any violations of the requirements established in Table 1.

2. The Permittee must also provide a written submission within five (5) days of the time that the Permittee becomes aware of any event required to be reported under Part III.H.1 ("Notice of Noncompliance Reporting"). The written submission must contain:

(a) a description of the noncompliance and its cause;

(b) the period of noncompliance, including exact dates and times;

(c) the estimated time noncompliance is expected to continue if it has not been corrected;

(d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

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4. Reports must be submitted in paper form. The Permittee must sign and certify the report in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The Permittee must submit legible originals of these documents to the Director, Office of Compliance and Enforcement at the addresses in Part III.C ("Reporting of Monitoring Results").

H. OTHER NONCOMPLIANCE REPORTING

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.C ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.H of this permit ("Twenty-Four Hour Notice of Noncompliance Reporting").

I. NOTICE OF NEW INTRODUCTION OF POLLUTANTS

The Permittee must provide notice to the EPA as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any pollutant that is not limited in the permit.

2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit.

3. The Permittee must submit the notification to EPA, Region 10, Office of Water and Watersheds at the following address:

U.S. Environmental Protection Agency (OWW-191)
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
ATTN: NPDES Permits Unit Manager

J. 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 must be submitted no later than 14 days following each schedule date.

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IV. COMPLIANCE RESPONSIBILITIES

A. DUTY TO COMPLY

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

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Civil and Administrative Penalties. Pursuant to 40 CFR 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $37,500 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $187,500).

3. Criminal Penalties

(a) Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under

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section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

(b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

(c) Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

(d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be

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punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

D. DUTY TO MITIGATE

The Permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. PROPER OPERATION AND MAINTENANCE

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

F. REMOVED SUBSTANCES

Solids, sludges, or other pollutants removed in the course of treatment or control of water and waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States, except as specifically authorized in Part I.

G. BYPASS OF TREATMENT FACILITIES

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

2. Notice.

(a) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior notice, if possible, at least 10 days before the date of the bypass.

(b) Unanticipated bypass. The Permittee must submit notice of an unanticipated bypass as required under Part III.H ("Notice of Noncompliance Reporting").

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3. Prohibition of bypass.

(a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the Permittee for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The Permittee submitted notices as required under Part IV.G.2.

(b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part IV.G.3.a.

H. UPSET CONDITIONS

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the Permittee meets the requirements of IV.H.2. of this permit. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the Permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) an upset occurred and that the Permittee can identify the cause(s) of the upset;

(b) the permitted facility was being properly operated at the time of the upset;

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(c) the Permittee submitted notice of the upset as required under Part III.H, "Notice of Noncompliance Reporting;" and

(d) the Permittee complied with any remedial measures required under Part IV.D, "Duty to Mitigate."

3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

I. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants 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 applicable standard or prohibition.

J. PLANNED CHANGES

The Permittee must notify the Director of the Office of Water and Watersheds as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. the alteration or addition to the facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

2. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit, nor to requirements under Part III.J ("Notice of New Introduction of Pollutants").

K. ANTICIPATED NONCOMPLIANCE

The Permittee must give advance notice to the Director of the Office of Compliance and Enforcement of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. GENERAL PROVISIONS

A. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the Permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

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B. DUTY TO REAPPLY

If the Permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the Permittee must submit a new application at least 180 days before the expiration date of this permit.

C. DUTY TO PROVIDE INFORMATION

The Permittee must furnish to EPA, within the time specified in the request, any information that the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.

D. OTHER INFORMATION

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA, it must promptly submit such facts or information.

E. SIGNATORY REQUIREMENTS

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

1. All permit applications must be signed as follows:

(a) For a corporation: by a responsible corporate officer.

(b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

(c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the EPA must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described above;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or

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an individual or position having overall responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the EPA.

3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2. must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part must make the following certification:

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

F. AVAILABILITY OF REPORTS

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the Permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. INSPECTION AND ENTRY

The Permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

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

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

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

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. PROPERTY RIGHTS

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

I. TRANSFERS

Pursuant to 40 CFR §122.61(b)(1)-(3), this permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in section (2) of this paragraph;

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

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR §122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section (2) of this paragraph.

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

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K. STATE LAWS

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

L. SEVERABILITY

The provisions of this permit are severable. 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.

M. REOPENER CLAUSE

1. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act, as amended, if the effluent standard, limitation, or requirement so issued or approved:

(a) Contains conditions 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.

2. This permit may be modified, or alternatively, revoked and reissued in accordance with 40 CFR 122 and 124, to address the application of different permit conditions, if new information, such as future water quality studies or waste load allocation determinations, or new regulations such as changes in water quality standards, show the need for different conditions.

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VI. DEFINITIONS AND ACRONYMS

1. § means section or subsection.

2. Act means the Clean Water Act.

3. Administrator means the Administrator of the EPA, or an authorized representative.

4. AML means average monthly limit; "monthly average limit" is synonymous.

5. Annual means once per calendar year

6. 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.

7. Best Management Practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

8. Biochemical Oxygen Demand (BOD_5) means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic mater in five days at 20ºC.

9. BOD_5 means five-day biochemical oxygen demand.

10. Bypass means the intentional diversion of waste streams from any portion of a treatment facility, as specifically defined at 40 CFR § 122.41(m).

11. °C means degrees centigrade.

12. CFR means the Code of Federal Regulations.

13. CWA, or the Act, means the Clean Water Act.

14. 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.

15. Daily Maximum Discharge means the highest allowable "daily discharge" and is also referred to as the "maximum daily discharge."

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16. Director means the Director of the Office of Water and Watersheds, or Director of the Office of Compliance and Enforcement, EPA, or authorized representatives.

17. Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by Permittees. DMRs must be used by "approved States" as well as by EPA.

18. Discharge, when used without qualification, means the discharge of a pollutant.

19. Discharge of a pollutant means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source".

20. Effluent means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment.

21. EPA means the United States Environmental Protection Agency.

22. °F means degrees Fahrenheit.

23. GC/MS means gas chromatograph/mass spectrometer.

24. gpd means gallons per day.

25. Grab Sample is an individual sample collected over a period of time not exceeding 15 minutes.

26. Graywater means wastewater from a kitchen, sink, or other domestic source that does not contain excrement, urine or combined storm water.

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

28. Maximum Daily Discharge Limitation means the highest allowable "daily discharge."

29. Measured means the actual volume of wastewater discharged using appropriate mechanical or electronic equipment to provide a totalized reading. Measure does not provide a recorded measurement of instantaneous rates.

30. Method Detection Limit (MDL) is defined as the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

31. MGD means million gallons per day.

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32. Milligrams per liter (mg/L) means the concentration at which one thousandth of a gram (10^{-3}) is found in a volume of one liter.

33. mg/L means milligrams per liter.

34. Month means the time period from the 1st of a calendar month to the last day in the month.

35. Monthly average means the average of daily discharges over a monitoring month calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month.

36. NPDES means National Pollutant Discharge Elimination System.

37. Permittee means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit.

38. pH means a measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration in mg/L.

39. Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

40. Process Wastewater means any wastewater which, during processor operations, comes into direct contact with or results from the production or use of any raw material, intermediate product or by-product, or waste product.

41. QAP means the Quality Assurance Plan.

42. QA/QC means quality assurance/quality control.

43. Regional Administrator means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

44. Report means report results of an analysis.

45. Reverse Osmosis means a water purification technology that uses a semipermeable membrane to remove dissolved solids (e.g. salts) from water. Reverse osmosis is commonly used to purify drinking water and desalinate seawater to produce potable water.

46. R.O. means reverse osmosis.

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47. Reverse Osmosis Reject Water means the concentrated waste stream that does not pass through the reverse osmosis membrane and is discharged from the system. The reject water consists of dissolved solids (e.g. salts) and a portion of the source water.

48. RWC means receiving water concentration, which is the inverse of the dilution factor.

49. 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.

50. Sheen means an iridescent appearance on the water or ice surface.

51. s.u. means standard units for pH measurements.

52. Total Suspended Solids (TSS) means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136.

53. 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.

54. Wastewater Treatment means any process to which wastewater is subjected in order to remove or alter its objectionable constituents and make it suitable for subsequent use or acceptable for discharge to the receiving environment.

55. 24-Hour Composite Sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. The composite must be flow-proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

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