United States Environmental Protection Agency
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",

CITY OF TWIN FALLS
Wastewater Treatment Plant
Canyon Springs Road
Twin Falls, Idaho

is authorized to discharge from a facility located in Twin Falls, Idaho, at the following location:

Outfall	**Receiving Water**	**Latitude**	**Longitude**
001	Snake River	42^0 36' 36" N	114^0 29' 06 W

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

This permit shall become effective **November 1, 2009**

This permit and the authorization to discharge shall expire at midnight, **October 31, 2014.**

The permittee shall reapply for a permit reissuance on or before **May 4, 2014**, 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 22nd day of September, 2009,

/s/ Christine Psyk for _____
Michael A. Bussell, Director
Office of Water and Watersheds

This permit modification is effective on August 1, 2010.

Signed this 24th day of June, 2010,

/s/ Christine Psyk for _____
Michael A. Bussell, Director
Office of Water and Watersheds

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Schedule of Submissions

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

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked by the 10th day of the month. (see §III.B)
2. Surface Water Monitoring & Stream Flow Data Report	Surface water monitoring results and stream flow data for the calendar year must be submitted no later than January 31 of the following year. (see §§I.E.6 & 7)
~~3. Compliance Schedule for Total Suspended Solids~~	~~Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule for total suspended solids must be submitted no later than 30 days after the schedule date. Due dates: July 31, 2010; July 31, 2011; July 31, 2012; July 1, 2013; and July 31, 2014. (see § I.C)~~
~~4.~~ 3. Quality Assurance Plan (QAP)	The permittee must provide EPA and Idaho Department of Environmental Quality (IDEQ) with written notification that the Quality Assurance Plan has been developed and implemented within 90 days after the effective date of the final permit (see §II.C.). The Plan must be kept on site and made available to EPA and IDEQ upon request. (see §II.C)
~~5.~~ 4. Toxicity Reduction Evaluation Plan	The permittee must submit to EPA a copy of its TRE workplan within 90 days after the effective date of this permit. (see §I.C.5.a)
~~6.~~ 5. Operation and Maintenance (O&M) Plan	The permittee must provide EPA and IDEQ with written notification that the Operations and Maintenance Plan has been developed or updated and is being implemented within 180 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and IDEQ upon request. (see §II.B)
~~7.~~ 6. Best Management Practices (BMP) Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been updated and implemented within 180 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and IDEQ upon request. (see §II.D)
~~8.~~ 7. Local Limits Evaluation	Within one year after the effective date of the final permit, the permittee must submit to EPA a complete local limits evaluation. (See §II.A.5)

Item	Due Date
~~9.~~ 8. Whole Effluent Toxicity Test Results	WET test results are due with the DMRs for April and October, i.e., postmarked by May 10 and November 10, respectively. They should also be submitted with the next permit application. (See § I.D.7)
~~10.~~ 9. Expanded Effluent Test Results	Expanded effluent test results are due with the DMRs for April or October, i.e., postmarked by May 10 or by November 10, respectively, in the 2nd, 3rd, and 4th years of the permit term. They should also be submitted with the next permit application. (See § I.B)
~~11.~~ 10. Pretreatment Report	The permittee must submit a pretreatment report annually by November 1. This report will cover the period of October 1 of the previous year to September 30 of the current year. (See §II.A.9)
~~12.~~ 11. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone to (206) 553-1846 within 24 hours after the time the permittee becomes aware of the circumstances including exceedances of the maximum instantaneous limit for *E. coli* and the maximum daily limit for ammonia. (See § III.G)
~~13.~~ 12. Emergency Response and Public Notification Plan	The permittee must submit written notice to EPA and IDEQ that an overflow emergency response and public notification plan has been developed and implemented within 180 days after the effective date of the final permit. (See § II.E)
~~14.~~ 13. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the final permit. (see §V.B)

I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall specified herein to the Snake River, within the limits and subject to the conditions set forth herein, including the conditions in the Idaho Department of Environmental Quality Water Quality Certification, incorporated as Appendix A of this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring Requirements

1. Effluent Limitations.

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

See notes at the end of the table.

Table 1

Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitations			Monitoring Requirements		
	Average Monthly Limit	**Average Weekly Limit**	**Maximum Daily Limit**	**Sample Location**	**Sample Frequency**	**Sample Type**
Flow, mgd	---	---	---	Effluent	Continuous	Recording
Biochemical Oxygen Demand (BOD_5)	30 mg/L	45 mg/L	---	Influent and Effluent[1]	4/week	24-hour composite
	≥85% removal	---	---	---	---	Calculation[2]
	2,142 lbs/day	3,213 lbs/day	---	Effluent	4/week	Calculation[3]
Total Suspended Solids (TSS)	30 mg/L	45 mg/L	---	Influent and Effluent[1]	4/week	24-hour composite
	≥85% removal	---	---	---	---	Calculation[2]
TSS (cont.)	2,142 lbs/day[4]	3,213 lbs/day[4]	--	Effluent	4/week	Calculation[3]
	~~980 lbs/day[5]~~	~~1,390 lbs/day[5]~~	—	~~Effluent~~	~~4/week~~	~~Calculation[3]~~

Table 1

Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitations			Monitoring Requirements		
	Average Monthly Limit	**Average Weekly Limit**	**Maximum Daily Limit**	**Sample Location**	**Sample Frequency**	**Sample Type**
E. coli Bacteria	126 colonies/ 100 mL[~~6~~ 4]	---	406 colonies/ 100 mL[~~7~~ 5]	Effluent	5/month[~~8~~ 6]	Grab
pH	6.5 – 9.0			Effluent	1/day	Grab
Total Phosphorus	710 lbs/day	990 lbs/day	---	Effluent	1/week	24-hour composite
Total Ammonia as N (5/1 – 9/30)	3.8 mg/L	---	5.4 mg/L	Effluent	1/week	24-hour composite
	247 lbs/day	---	351 lbs/day	Effluent	1/week	Calculation[3]
Total Ammonia as N (10/1– 4/30)	5.2 mg/L	---	7.5 mg/L	Effluent	1/week	24-hour composite
	338 lbs/day	---	488 lbs/day	Effluent	1/week	Calculation[3]
Temperature	--	--	--	Influent & Effluent	continuous[~~9~~ 7]	Recording
Nitrate-Nitrogen[~~10~~ 8]	---	---	---	Effluent	1/week	24-hour composite
Total Kjeldahl Nitrogen[~~11~~ 9]	---	---	---	Effluent	1/week	24-hour composite
Whole Effluent Toxicity	---	---	---	Effluent	2/year [~~11~~ 9]	24-hour composite
Expanded Effluent Testing[~~12~~ 10]	--	--	--	Effluent	1 each in 2nd, 3rd, & 4th years of the permit[~~13~~ 11]	24-hr composite

[1] Influent and effluent composite samples shall be collected during the same 24-hour period.
[2] Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.
[3] Loading is calculated by multiplying the concentration (mg/L) by the flow (mgd) on the day sampling occurred and a conversion factor of 8.34.
~~[4] The interim mass based limits for TSS apply until the facility achieves compliance with the final limits, but no later than June 30, 2014; see §I.C, below.~~
~~[5] The final mass based limits for TSS apply as soon as possible but no later than June 30, 2014; see §I.C, below.~~
[~~6~~ 4] The monthly average for *E. coli* is the geometric mean of all samples taken during the month.
[~~7~~ 5] This is an instantaneous maximum limit, applicable to each grab sample without averaging.
[~~8~~ 6] Five samples taken every three (3) to seven (7) days over a thirty (30) day period.
[~~9~~ 7] Continuous temperature monitoring means recording temperature in 1 hour intervals, 24 hours per day.
[~~10~~ 8] If analyses are showing non-detect, the method detection limits in Table 3 must be achieved.
[~~11~~ 9] in April and October
[~~12~~ 10] See NPDES Permit Application Form 2A, Part D for the list of pollutants to include in this testing.

~~13~~ 11 Expanded effluent testing must occur on the same day as a whole effluent toxicity test and must be submitted with the WET test results with the next DMR as well as with the next permit application.

2. The permittee must report within 24 hours to EPA at (206) 553-1846 any violation of the maximum daily limit for ammonia or of the instantaneous maximum limit for *E. coli*. The permittee must report violations of all other effluent limits at the time that discharge monitoring reports are submitted (See §III.B and §III.G, below).

3. The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water.

4. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.

5. Reporting Low Results.

   a) For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. The minimum level is defined as 3.18 × method detection limit (MDL); see Table 3 below for MDLs. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MDLs less than or equal to those specified in Table 3.

   b) For purposes of reporting on the Discharge Monitoring Report (DMR) for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."

   c) For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If the average value is equal to or greater than the ML, the permittee must report the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

~~C. Compliance Schedule for Total Suspended Solids~~

~~1. The permittee must comply with all effluent limitations and monitoring requirements in Table 1, above, beginning on the effective date of this permit, except those for which a compliance schedule is specified in § I.C.2, below.~~

~~2. A schedule of compliance is authorized for achieving compliance with the final mass-based limits for Total Suspended Solids. The permittee must achieve compliance with the final mass-based effluent limitation for Total Suspended Solids set forth in Table 1 of this permit as soon as possible, but not later than July 1, 2014.~~

~~3. While the schedule of compliance specified in § I.C.2 is in effect, the permittee must:~~

   ~~a) meet the concentration-based and interim mass-based effluent limits and the minimum removal rate required in Table 1; and~~

   ~~b) meet the milestones listed in §I.C.5, below.~~

~~4. Interim Requirements for the Schedule of Compliance~~

   ~~a) By July 1, 2010, the permittee must complete the Chemical Enhancement Primary Treatment (CEPT);.~~

~~b) By July 1, 2011, the permittee must develop a facility plan to achieve the final TSS mass limits;~~

~~c) By July 1, 2012, the permittee must select a design alternative and bid to begin construction to achieve final TSS mass effluent limitations;~~

~~d) By July 1, 2013, the permittee must report on progress toward achieving final compliance by July 1, 2014;~~

~~e) By July 1, 2014, the permittee must complete start-up and optimization of its chosen design alternative and achieve compliance with the final TSS mass-based effluent limitations of Table 1 of the permit.~~

~~5. The permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the total suspended solids mass effluent limitations. The annual Report of Progress must be submitted by July 31, 2010, and annually thereafter, except that the 2013 report is due on July 1, until compliance with the final TSS mass effluent limits is achieved. See also Part III.J., "Compliance Schedules". At a minimum, the annual report must include:~~

~~a) An assessment of the previous year of TSS effluent data and comparison to the TSS interim and final mass effluent limitations.~~

~~b) A report on progress made towards meeting the TSS mass effluent limitations, including the applicable deliverable required under §I.C.4, above.~~

~~c) Further actions and milestones targeted for the upcoming year.~~

D. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from outfall 001. Testing must be conducted in accordance with subsections 1 through 7, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, the composite sample must be analyzed for the chemical and physical parameters required in Part I.B. If the timing of composite samples for the toxicity test coincides with the timing of composite sampling required in Part I.B for selected parameters listed in Table 1, a split of the composite sample that is analyzed for the parameters of Part I.B needing composite samples will fulfill Part I.B requirements as well. If a parameter in Part I.B must be monitored with a grab sample, the grab sample requirement remains and is not altered by the ability to use the toxicity composite sample for analysis of Part I. B parameters requiring composite sampling.

2. Chronic Test Species and Methods

   a) Chronic tests must be conducted twice per year, once in April and once in October concurrently with the pretreatment sampling for metals and, when applicable, concurrently with expanded effluent testing.

   b) The permittee must conduct short-term tests with the water flea, Ceriodaphnia dubia (survival and reproduction test), and the fathead minnow, Pimephales promelas (larval survival and growth test), for the first three suites of tests. After this screening period, monitoring must be conducted using the most sensitive species. Chronic toxicity testing requires a fresh sample every other day (day 1, 3, 5). The effluent data must be obtained from the composite sample used for day 1 toxicity tests. Toxicity test samples for days 1, 3 and 5 will be analyzed for BOD5, TSS, E. coli, alkalinity, ammonia, conductivity, dissolved oxygen, hardness, pH, and temperature.

c) The presence of chronic toxicity must be determined as specified in Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002.

d) Results must be reported in TUc (chronic toxic units), TUc = 100 / IC25. If acute toxicity (lethality) is noted during the chronic test, the permittee must report the LC_{50} also.

3. Toxicity Triggers

a) Chronic Toxicity Trigger. If the results of the chronic toxicity test exceed 4 TU_c, the results show chronic toxicity, and the permittee must conduct accelerated toxicity testing. See § C.4, below.

b) Acute Toxicity Trigger. If acute toxicity is demonstrated and the LC_{50} is higher than 3.85 TU_a, the permittee must conduct accelerated toxicity testing. See § C.4, below.

4. Accelerated testing

a) If the chronic testing result exceeds 4.0 TUc, or if acute toxicity is demonstrated during the chronic test and LC_{50} is higher than 3.85 TU_a, the permittee must conduct six more tests, at two week intervals over the following twelve-week period, beginning within two weeks of receipt of the sample results that exceed the trigger levels.

b) If chronic toxicity exceeds 4.0 TU_c or if acute toxicity is demonstrated during the chronic test and LC_{50} is higher than 3.85 TU_a in any of the six additional tests, the permittee must develop and initiate a Toxicity Reduction Evaluation (TRE) workplan, as described in § E.5, below.

c) If none of the six tests required under this section indicates toxicity, the permittee may return to the normal testing frequency.

5. Toxicity Reduction Evaluation (TRE)

a) TRE Workplan Development.

The permittee must submit to EPA a copy of its TRE workplan [1-2 pages] within 90 days after the effective date of this permit. This plan must describe the steps the permittee intends to follow in the event that whole effluent toxicity testing shows statistically significant toxicity at the dilution that corresponds to that anticipated at the edge of the chronic mixing zone (4:1) and should include at a minimum:

i) A description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;

ii) A description of the facility's strategy for maximizing in-house treatment efficiency and employing good housekeeping practices;

iii) A list of all chemicals used in the operation of the facility; and

iv) A discussion about who will conduct a toxicity identification evaluation (TIE) (i.e., in-house or other) if one is necessary.

b) TRE Workplan Implementation.

i) The TRE workplan is implemented if whole effluent toxicity testing shows toxicity greater than exceeds 4 TU_c or 3.85 TU_a.

ii) Accelerated testing required in § I.D.4 is considered part of the first step of implementing the TRE.

iii) The permittee must begin implementing the TRE within thirty (30) days after receipt of the accelerated testing sample results in excess of trigger levels. The permittee may use *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*, EPA/833-B-99-002, August 1999, in developing a TRE workplan.

6. Quality Assurance

The toxicity testing on each organism must include a series of five test dilutions and a control. The dilution series must include the receiving water concentration (RWC), which is the dilution associated with the chronic toxicity trigger (i.e. 25%); two dilutions above the RWC, and two dilutions below the RWC.

a) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,* Fourth Edition, EPA/821-R-02-013, October 2002, and individual test protocols.

b) In addition to those quality assurance measures specified in the methodology, the following quality assurance procedures must be followed:

(i) If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as the effluent toxicity tests.

(ii) If either the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittee must re-sample and re-test within 14 days after receipt of the test results.

(iii) Control and dilution water must be receiving water or lab water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water must also be used. Receiving water may be used as control and dilution water upon notification of EPA and IDEQ. In no case may water that has not met test acceptability criteria be used for either dilution or control.

7. Reporting

a) Results of toxicity tests, including any accelerated testing conducted during the month, must be reported on the next Discharge Monitoring Report (DMR) after receiving the results of the test and with the next permit application.

b) The permittee must attach to the DMR a report that includes: (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the flow rate at the time of sample collection; and (4) the results of the effluent analysis for chemical parameters including expanded effluent testing required for the outfall as defined in §I.B.1.

c) The permittee must report test results for chronic tests in accordance with the guidance in the chapter on “Report Preparation and Test Review” found in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (the “manual”), Fourth Edition, EPA/821-R-02-013, October 2002.

E. Surface Water Monitoring Requirements

The permittee must conduct surface water monitoring in each calendar quarter of the year as indicated in Table 2, below.

1. Pollutant and water quality parameter monitoring locations

   a) Pollutant and water quality parameter monitoring must be conducted in the Snake River at monitoring stations approved by IDEQ. These monitoring points must be:

      (i) One upstream of the influence of the facility's discharge, and

      (ii) For selected pollutants and parameters, one downstream of the facility's discharge, at a point where the effluent and the Snake River are completely mixed.

   b) The permittee must seek approval from IDEQ for any changes to the surface water monitoring stations. A failure to obtain IDEQ approval of surface water monitoring stations does not relieve the permittee of the surface water monitoring requirements of this permit.

2. Sample Collection

   a) To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.

   b) All surface water samples must be grab samples.

3. Flow measurement

The flow rate must be recorded at least at the same time that other surface water parameters are sampled. See also §I.E.7, below, for the compliance schedule for establishing a stream gage.

4. Sample Analysis

Samples must be analyzed for the parameters listed in Table 2 and must achieve the method detection limits (MDLs) shown in Table 3, unless results consistently exceed a higher MDL for another approved method, in which case, that method may be used.

See notes on next page.

Table 2

Surface Water Monitoring Requirements

Parameter	Units	Sampling Frequency	Sample Type
Flow	mgd	daily Upstream	gage
TSS	mg/L	4/year[~~14~~ 12] Upstream	Grab
E. coli bacteria	colonies/100 mL	4/year[~~14~~ 12] Upstream	Grab
Dissolved oxygen	mg/L	4/year[~~14~~ 12] Upstream	Grab
pH	standard units	4/year[~~14~~ 12] Upstream and Downstream	Grab
Temperature	ºC	4/year[~~14~~ 12] Upstream and Downstream	Grab
Total ammonia as N	mg/L	4/year[~~14~~ 12] Upstream and Downstream	Grab
Total Nitrate as N	mg/L	4/year[~~14~~ 12] Upstream	Grab
Total Nitrite as N	mg/L	4/year[~~14~~ 12] Upstream	Grab
Total Phosphorus as P	mg/L	4/year[~~14~~ 12] Upstream	Grab

Table 2 Surface Water Monitoring Requirements			
Parameter	**Units**	**Sampling Frequency**	**Sample Type**
Arsenic	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Cadmium	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Chromium	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Copper	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Cyanide	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Lead	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Mercury	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Nickel	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Silver	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Zinc	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Molybdenum	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Selenium	mg/L	4/year[~~14~~ 12] Upstream	Grab[~~15~~ 13]
Hardness	mg/L	4/year[~~14~~ 12] Upstream	Grab

[~~14~~ 12] 4/year means once in each calendar quarter.
[~~15~~ 13] Arsenic, cadmium, chromium, copper, cyanide, lead, nickel, silver, zinc, molybdenum, and selenium must be analyzed as dissolved. Mercury must be analyzed as total.

Table 3 **Method Detection Limits**	
Parameter	**MDL (mg/L)**
Flow	---
TSS	---
E. coli Bacteria	---
Dissolved Oxygen	2.0
pH	---
Temperature	---
Total Ammonia as N	0.01
Total Kjeldahl Nitrogen	0.05
Total Nitrate as N	0.02
Total Nitrite as N	0.01
Total Phosphorus as P	0.01
Arsenic	0.0005
Cadmium	0.00005
Chromium	0.0001
Copper	0.0005
Cyanide	0.005
Lead	0.0006
Mercury	0.0002
Nickel	0.0005
Silver	0.0001
Zinc	0.0018
Molybdenum	0.0003
Selenium	0.0006
Hardness (as $CaCO_3$)	0.001

5. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under § II.C, “Quality Assurance Plan.”

6. Surface water monitoring results for the previous calendar year must be submitted to EPA by January 31of each year. At a minimum, the report must include the following:
   a) Dates of sample collection and analyses.
   b) Results of sample analysis.
   c) Relevant quality assurance/quality control (QA/QC) information.
7. Reporting Stream Flow Data from the Stream Gage in the Snake River at Twin Falls
   a) The permittee must record daily flows in the Snake River at the established stream gage.
   b) By January 31 of each year, the permittee must submit to EPA streamflow data for the previous calendar year.

II. Special Conditions

A. Pretreatment Requirements

1. Implementation

The permittee must implement its pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in its original approved pretreatment program submission, any program amendments submitted thereafter and approved by EPA, and the general pretreatment regulations (40 CFR Part 403) and any amendments thereof. At a minimum, the permittee must carry out the following activities:

a) Enforce prohibitive discharge standards as set forth in 40 CFR §403.5(a) and (b), categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act (where applicable), and local limitations and BMPs developed by the permittee in accordance with 40 CFR §403.5(c), whichever are more stringent and are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations must be defined as pretreatment standards under Section 307(d) of the Act.

b) Implement and enforce the requirements of the most recent and EPA-approved portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.

c) Update its inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee must notify these users of applicable pretreatment standards in accordance with 40 CFR §403.8(f)(2)(iii).

d) Issue, reissue, and modify, in a timely manner, industrial wastewater discharge permits to at least all Significant Industrial Users (SIUs) and categorical industrial users. These documents must contain, at a minimum, conditions identified in 40 CFR §403.8(f)(1)(iii), including Best Management Practices, if applicable. The permittee must follow the methods described in its implementation procedures for issuance of individual permits.

e) Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee must retain all records relating to its pretreatment program activities for a minimum of three years, as required by 40 CFR §403.12(o), and must make such records

available to EPA upon request. The permittee must also provide public access to information considered effluent data under 40 CFR Part 2.

f) Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by non-domestic users within these jurisdictions. These contracts or agreements must identify the agency responsible for the various implementation and enforcement activities in the contributing jurisdiction. In addition, the permittee may be required to develop a Multi-Jurisdictional Agreement (MJA) that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.

g) Carry out inspections, surveillance, and monitoring of non-domestic users to determine compliance with applicable pretreatment standards and requirements. A complete inspection of all SIUs and sampling of all SIUs' effluent must be conducted at least annually.

h) Require SIUs to conduct wastewater sampling as specified in 40 CFR §403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater but no less than twice per year. Sample collection and analysis must be performed in accordance with 40 CFR §403.12(b)(5)(ii) through (v) and 40 CFR Part 136. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the permittee must require the User to submit documentation to determine compliance with the Standard. If the permittee elects to conduct all non-domestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this paragraph, and the requirements of 40 CFR §403.12(g)(2).

i) Enforce and obtain remedies for any industrial user noncompliance with applicable pretreatment standards and requirements. This must include timely and appropriate reviews of industrial reports to identify all violations of the user's permit, the local ordinance, and federal pretreatment standards and requirements. Once violations have been uncovered, the permittee must take timely and appropriate action to address the noncompliance. The permittee's enforcement actions must follow its EPA-approved enforcement response procedures.

j) Publish, at least annually, in a newspaper or newspapers of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of all non-domestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR §403.8 (f)(2)(viii).

k) Maintain adequate staff, funds and equipment to implement its pretreatment program.

l) Conduct an analysis annually to determine whether influent pollutant loadings are approaching the maximum allowable headworks loadings calculated in the permittee's most recent local limits calculations. Any local limits found to be inadequate by this analysis must be revised. The permittee may be required to revise existing local limits or develop new limits if deemed necessary by EPA.

2. Spill Prevention and Slug Discharges

The permittee must implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.

a) Control mechanisms for SIUs must contain requirements to control slug discharges if determined by the POTW to be necessary [40 CFR §403.8(f)(1)(iii)(B)(6)].

b) SIUs must be evaluated for the need for a plan or other action to control slug discharges within 1 year of being designated an SIU.

c) SIUs must notify the POTW immediately of any changes at their facilities affecting the potential for a slug discharge [40 CFR §403.8(f)(2(vi)].

3. Enforcement Requirement

Whenever EPA finds, on the basis of any available information, that the owner or operator of any source is introducing a pollutant into the POTW in violation of national pretreatment standards, including prohibited discharges, local limits, or categorical standards, or is causing interference or pass through, EPA may notify the owner or operator of the POTW of such violation. If, within 30 days after EPA sends such notification to the POTW, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in Section 309(f) of the Clean Water Act.

4. Modification of the Pretreatment Program

If the permittee elects to modify any components of its pretreatment program, it must comply with the requirements of 40 CFR §403.18. No substantial program modification, as defined in 40 CFR §403.18(b), may be implemented prior to receiving written authorization from EPA.

5. Local Limits Evaluation

Within one year after the effective date of the final permit, the permittee must submit to EPA a complete local limits evaluation pursuant to 40 CFR §403.5(c)(1). The study must take into account water quality in the receiving stream, inhibition levels for biological processes in the treatment plant, and sludge quality goals. The study must address at least the following pollutants: arsenic, 5-day biochemical oxygen demand, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, total suspended solids, and zinc and any other pollutants of concern. The permittee must address total ammonia as N if the POTW accepts non-domestic discharges of ammonia. Submitted results of the study must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions.

6. Control of Undesirable Pollutants

The permittee must not allow introduction of the following pollutants into the publicly owned treatment works (POTW):

a) Pollutants which will create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140º F or 60º C using the test methods specified in 40 CFR §261.21;

b) Pollutants which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0, unless the POTW is designed to accommodate such discharges;

c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW (including the collection system) resulting in interference;

d) Any pollutant, including oxygen demanding pollutants (e.g. BOD_5, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

e) Heat in amounts which inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40º C (104º F) unless the Regional Administrator, upon request of the POTW, approves alternate temperature limits;

f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

g) 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; and

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

7. Requirements for Industrial users

The permittee must require any industrial user of its treatment works to comply with any applicable requirements in 40 CFR Parts 403 through 471.

8. Sampling Requirements

a) Parameters: The permittee must sample influent and effluent from the POTW for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, and zinc. Metals must be analyzed and reported as total metals. If the POTW accepts ammonia from industrial sources, the permittee must also sample the POTW influent and effluent for ammonia. The permittee must sample sludge for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, percent solids, selenium and zinc.

b) Frequency: Sampling must be conducted twice per year: once in April and once in October.

c) Sampling Locations and Sample Type: The permittee must sample as described in Table 4. To the extent that the timing of effluent sampling coincides with sampling required for whole effluent toxicity testing under paragraph insert paragraph number, these results will satisfy the requirements of that paragraph.

Table 4

Pretreatment Monitoring Requirements

Wastestream	Sample Type	Frequency
Influent	24-hour Composite[1]	3 days within a week (Mon - Fri)
Effluent	24-hour Composite[1]	3 days within a week (Mon - Fri)
Sludge	Grab	Once, during the same time period that influent and effluent samples are being taken

1. Influent and effluent samples for cyanide must be collected and analyzed as required in paragraph.8.h of this part.

d) Analytical Methods: For influent and effluent pretreatment sampling, the permittee must use EPA-approved analytical methods that achieve the method detection limits (MDLs) in Table 3, above, unless higher minimum detection limits are approved by EPA. Requests for higher MDLs for pretreatment monitoring must be submitted in writing to the Pretreatment Coordinator at the address in paragraph 9, below.

e) Sludge Sampling: Sludge samples must be taken as the sludge leaves the dewatering device or digesters.

f) Sludge Reporting: Metals concentrations in sludge must be reported in mg/kg, dry weight.

g) Reporting Results: Analytical results for each day's samples must be reported separately. Sample results must be submitted with the pretreatment annual report required in § II.A.9, below.

h) Cyanide sampling: Influent and effluent sampling for cyanide must be conducted as follows. Eight discrete grab samples must be collected over a 24-hour day. Each grab sample must be at least 100 ml. Each sample must be checked for the presence of chlorine and/or sulfides prior to preserving and compositing (refer to Standard Methods, 4500-CN B). If chlorine and/or sulfides are detected, the sample must be treated to remove any trace of these parameters. After testing and treating for the interference compounds, the pH of each sample must be adjusted, using sodium hydroxide, to 12.0 standard units. Each sample can then be composited into a larger container which has been chilled to 4 degrees Celsius, to allow for one analysis for the day.

9. Pretreatment Report

a) The permittee must submit an annual report pursuant to 40 CFR §403.12(i) that describes the permittee's pretreatment program activities over the period October 1 of the previous year to September 30 of the current year. This report must be submitted to the following address no later than November 1 of each year:

Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 10, OWW-130
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

b) The pretreatment report must be compiled following the Region 10 Annual Report Guidance. At a minimum, the report must include:

(i) An updated non-domestic user inventory, including those facilities that are no longer discharging (with explanation), and new dischargers, appropriately categorized and characterized. Categorical users should have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard.

(ii) Results of wastewater and sludge sampling at the POTW as specified in Part II.A.8 (above).

(iii) Calculations of removal rates for each pollutant for each day of sampling.

(iv) An analysis and discussion of whether the existing local limitations in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or sludge quality. This should include a comparison between influent loadings and the most recent relevant maximum allowable headworks loadings calculated for the treatment plant.

(v) Status of program implementation, including:

(a) Any planned modifications to the pretreatment program that have been approved by EPA, including staffing and funding updates.

(b) A description of any interference, upset, or NPDES permit violations experienced at the POTW which were directly or indirectly attributable to non-domestic users, including:

(01) Date & time of the incident

(02) Description of the effect on the POTW's operation

(03) Effects on the POTW's effluent and biosolids quality

(04) Identification of suspected or known sources of the discharge causing the upset

(05) Steps taken to remedy the situation and to prevent recurrence

(vi) Listing of non-domestic users inspected and/or monitored during the report year with dates and an indication compliance status.

(vii) Listing of non-domestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.

(viii) Listing of non-domestic users whose permits have been issued, reissued, or modified during the report year along with current permit expiration dates.

(ix) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards during the report year as required in 40 CFR §403.8(f)(2)(iii).

(x) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.

(xi) Status of enforcement activities including:

(a) Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, including:

(01) Summary of the violation(s).

(02) Enforcement action taken or planned by the permittee.

(03) Present compliance status as of the date of preparation of the pretreatment report.

(b) Listing of those users in significant noncompliance during the report year as defined in 40 §CFR 403.8(f)(2)(viii) and a copy of the newspaper publication of those users' names.

(c) EPA may require more frequent reporting on those users who are determined to be in significant noncompliance.

B. Operation and Maintenance Plan

In addition to the requirements specified in Section IV.E of this permit (Proper Operation and Maintenance), within 180 days after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that an operations and maintenance plan for the wastewater treatment facility has been developed and implemented. The plan shall be retained on site and made available on request to EPA and IDEQ.

C. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAPs may be modified for compliance under this section. The QAP must be completed within 90 days after the effective date of the final permit. Within 90 days after the

effective date of the permit, the permittee must provide written notice to EPA and IDEQ that the QAP has been developed or updated and is being implemented.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water 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 *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.

3. At a minimum, the QAP must include the following:
   a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
   b) Map indicating the location of each sampling point.
   c) Qualification and training of personnel.
   d) Name, address and telephone number of the laboratory used by or proposed to be used by the permittee.

4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.

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

D. Best Management Practices Plan

1. The permittee must maintain and update as needed the Best Management Practices Plan (BMP Plan), which was implemented under the last permit.

2. Within 180 days after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that the BMP plan has been updated and is being implemented.

3. The BMP Plan must be retained on site and made available to EPA and IDEQ upon request.

4. The BMP Plan must include pollution prevention measures which prevent, or minimize, the potential for the release of nutrients to the Middle Snake River. The BMP must be consistent with the Municipal Industry Management Actions of the Middle Snake River Watershed Management Plan (Table 30). The description of management controls must address, to the extent practicable, the following minimum components:
   a) Research, develop and implement a public information and education program;
   b) Water conservation;
   c) Land application of treated effluent;
   d) Land application of biosolids;

e) Storm water pollution prevention; and

f) Operational practices that can be used to reduce nutrient levels in the effluent.

E. Emergency Response and Public Notification Plan

1. The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the final permit. At a minimum the plan must include mechanisms to:

   a) Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control and unanticipated bypass or upset that exceed any effluent limitation in the permit;

   b) Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceed any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;

   c) Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;

   d) Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained; and

   e) Provide for continued operation during emergencies.

2. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented within 180 days after the effective date of the final permit. Any existing emergency response and public notification plan may be modified for compliance with this section.

F. Modification for Cause

This permit may be modified for cause in compliance with 40 CFR §122.62. Cause for modification includes, but is not limited to, new information which was not available at the time of permit issuance and which would have justified the application of different permit conditions at the time of issuance.

III. Monitoring, Recording and Reporting Requirements

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge.

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

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

B. Reporting of Monitoring Results

1. Paper Copy Submissions

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 10th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of § V.E of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to IDEQ at the following addresses:

US EPA Region 10
Attn: ICIS Data Entry Team, OCE-133
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Idaho Department of Environmental Quality
Twin Falls Regional Office
1363 Fillmore Street
Twin Falls, ID 83301

2. Electronic submissions

If, during the period when this permit is effective, EPA makes electronic reporting available, the permittee may, as an alternative to the requirements in §III.B.1, above, submit reports monthly, electronically by the 10th day of the following month, following guidance provided by EPA. The permittee must certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. ("Signatory Requirements"). The permittee must retain the legible originals of these documents and make them available, upon request, to the EPA Region 10 Director, Office of Compliance and Enforcement and to IDEQ.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by EPA as alternate test procedures under 40 CFR §136.5.

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

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 years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ 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 § IV.F., "Bypass of Treatment Facilities");
   c) any upset that exceeds any effluent limitation in the permit (See § IV.G., "Upset Conditions"); or
   d) any violation of a maximum daily or instantaneous maximum effluent limitation for applicable pollutants listed in the permit to be reported within 24 hours (See § I.B).
   e) any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1, above. The written submission must contain:
   a) a description of the noncompliance and its cause;
   b) the period of noncompliance, including exact dates and times;
   c) the estimated time noncompliance is expected to continue if it has not been corrected; and
   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
   e) if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

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.
4. Reports must be submitted to the addresses in Part III.B ("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.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. Notice of New Introduction of Toxic Pollutants

The permittee must notify the Director of the Office of Water and Watersheds and IDEQ in writing of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
   a) The quality and quantity of effluent to be introduced into the POTW, and
   b) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
4. The permittee must notify the Director of the Office of Water and Watersheds at the following address:

   US EPA Region 10
   Attn: NPDES Permits Unit Manager
   1200 6th Avenue, Suite 900,
   OWW-130
   Seattle, WA 98101-3140

J. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule in § I.C of this permit must be submitted no later than each schedule date.

IV. Compliance Responsibilities

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $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 $177,500).
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 Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
   b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

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

d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) 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 the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

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

2. Required Notice.

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

   b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").

3. Prohibition of bypass.

   a) Bypass is prohibited, and the Director of the 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 paragraph 2 of this Part.

4. 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 paragraph 3.a. of this Part.

G. Upset Conditions

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

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

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

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

   c) The permittee submitted notice of the upset as required under Part III.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and

   d) The permittee complied with any remedial measures required under Part IV.D, "Duty to Mitigate."

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

H. 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 requirement.

I. Planned Changes

The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in Part III.I.4. and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.

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 site.

J. Anticipated Noncompliance

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

K. Reopener

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

V. General Provisions

A. Permit Actions

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

B. Duty to Reapply

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

C. Duty to Provide Information

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

D. Other Information

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

E. Signatory Requirements

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

1. All permit applications must be signed as follows:
   a) For a corporation: by a responsible corporate officer.
   b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
   c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by EPA or IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a) The authorization is made in writing by a person described above;
   b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
   c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.

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

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

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of Reports

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

G. Inspection and Entry

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

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

H. Property Rights

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

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.4. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance are mandatory).

~~**J. State Laws**~~

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

VI. Definitions

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Average monthly effluent limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
4. "Average weekly effluent 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.
5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Composite" - see "24-hour composite".
8. "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.
9. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
10. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
11. "DMR" means discharge monitoring report.
12. "EPA" means the United States Environmental Protection Agency.
13. "Geometric Mean" means the nth root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
14. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
15. "IC_{25}" means the inhibition concentration, the concentration of the effluent, that would cause a 25 percent reduction in a non-lethal biological measurement, e.g. reproduction or growth)
16. "IDEQ" means the Idaho Department of Environmental Quality.

17. "Interference" is defined in 40 CFR 403.3.

18. "LC_{50}" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.

19. "Maximum daily effluent limitation" means the highest allowable "daily discharge."

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

21. "Minimum Level (ML)" means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.

22. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.

23. "Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

24. "POTW" means publicly owned treatment works, i.e. the permittee.

25. "QA/QC" means quality assurance/quality control.

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

27. "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.

28. "24-hour composite" sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a 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.

29. "TU_a" ("Acute Toxic Unit") is a measure of acute toxicity. TU_a is the reciprocal of the effluent concentration that causes 50 percent of the organisms to die by the end on the acute exposure period (i.e., 100/"LC_{50}")

30. "TU_c "(Chronic toxic unit) is a measure of chronic toxicity. TU_c is the reciprocal of the effluent concentration that causes 25 percent inhibition by the end of the chronic exposure period (i.e., 100/"IC_{25}").

31. "USGS" means United State Geological Survey.

32. "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.

Appendix A - Idaho Department of Environmental Quality § 401 Certification for City of Twin Falls Wastewater Treatment Plant