Field Code Changed

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",

City of Coeur d'Alene
Wastewater Facility
710 Mullan Avenue
Coeur d'Alene, ID 83814

is authorized to discharge from the wastewater facility located in Post Falls, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Spokane River	47° 40' 56"	116° 47' 47"

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

This permit shall become effective

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

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

Draft
Daniel D. Opalski, 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 on or before the 10th day of the month following the monitoring month (see III.B).
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and the Idaho Department of Environmental Quality (IDEQ) with written notification that the Plan has been developed and implemented within 180 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.
3. Operation and Maintenance (O&M) Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.A). The Plan must be kept on site and made available to EPA and IDEQ upon request.
4. Phosphorus Management Plan	The permittee must provide written notice to EPA and IDEQ that the plan has been developed within 1 year after the effective date of the final permit and implemented within 18 months of the effective date of the final permit (see II.B).
5. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B).
6. Surface Water Monitoring Report	The report must be submitted to EPA and IDEQ annually by January 31st of the following year.
7. Compliance Schedule	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 (see I.C, I.D, and III.J).
8. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See I.B.2 and III.G).
9. Emergency Response and Public Notification Plan	The permittee must develop and implement an overflow emergency response and public notification plan. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented within 180 days of the effective date of the final permit (see II.D).
10. Annual Pretreatment Report	The Report must be submitted to the pretreatment coordinator no later than January 31st of each calendar year. (See II.E.10).

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I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 001 to the Spokane River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

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

Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Flow	mgd	Report	—	Report	Effluent	Continuous	Recording
Five-day carbonaceous biochemical oxygen demand ($CBOD_5$) November – January	mg/L	25	40	—	Influent and Effluent	1/week	24-Hour Composite
	lb/day	1251	2002	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
$CBOD_5$ February – March	mg/L	25	40	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	295	472	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
$CBOD_5$ April – October	mg/L	25	40	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	265	424	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
Total Suspended Solids	mg/L	30	45	—	Influent and Effluent	1/week	24-Hr. Comp.
	lb/day	1501	2252	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
pH October – June	s.u.	6.3 – 9.0 at all times			Effluent	5/week	Grab
pH July – September	s.u.	6.5 – 9.0 at all times			Effluent	5/week	Grab
E. coli	#/100 ml	126[4] (geometric mean)	—	406 (inst. max.)	Effluent	5/month	Grab
Total Residual Chlorine October – June	µg/L	150	—	390	Effluent	1/day	Grab
	lb/day	7.5	—	20			Calculation[2]
Total Residual Chlorine	µg/L	39	—	102	Effluent	3/day	Grab

Comment [djm1]: Design flows should be added to the table.

Comment [BN2]: I'm not sure exactly what is being requested. Are you requesting that we establish effluent limits for flow, or just identify the flow rates that were used to calculate limits?

We generally do not limit the effluent flow from POTWs, however, we do establish mass limits for pollutants that can be properly expressed in terms of mass (i.e., most pollutants except pH, temperature, and bacteria).

However, I see no problem with adding a footnote to the table that simply identifies the flow rates that were used to calculate limits.

Comment [djm3]: The WA permits contain seasonal average values for March to October (based on the model inputs). Is this appropriate / acceptable for us to only express CBOD as an AML and AWL?

Comment [MK4]: There is language in the fact sheet that explains why CBOD was expressed as AML/AWL (Pg B-13) based on 40 CFR 122.45. The mass loading here correlates with concentration in Table 2 from LimnoTech memo @ 7.6MGD. I agree that we should discuss the approach. Same comment for CBOD April-Oct

Comment [P5]: We need a seasonal average permit limit for CBOD, consistent with the TMDL modeling, and similar to the total phosphorus and ammonia limits. This will provide a direct comparison to verify the facility is complying with the TMDL requirements.

Comment [BN6]: As stated in Ellie's comment, the fact sheets explain, in Appendix B, how the monthly and weekly mass limits for CBOD (and NH3 for HARSB and Post Falls) were derived from the model inputs. When drafting the permits we considered expressing the CBOD and NH3 limits as seasonal averages, but, in most cases, we decided this would not comply with 40 CFR 122.45(d)(2).

Comment [DW7]: It is not clear from the factsheet how this is calculated. Please provide support in the fact sheet.

Comment [BN8]: pH effluent limit calculations are provided in Appendix F to the fact sheet. This limit is based on meeting Idaho's minimum pH criterion (6.5 standard units) at the edge of a mixing zone encompassing 25% of the 1Q10 flow of the river.

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Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
July – September	lb/day	2.0	—	5.1			Calculation[2]
Total Ammonia as N[1] March – June	mg/L	Report	—	Report	Effluent	3/week	24-Hr. Comp.
	lb/day	649	—	1547			Calculation[2]
Total Ammonia as N[1] July – September	mg/L	6.59	—	15.7	Effluent	3/week	24-Hr. Comp.
	lb/day	330	—	786			Calculation[2]
Total Ammonia as N October	mg/L	Report	—	Report	Effluent	3/week	24-Hr. Comp.
	lb/day	525	—	1252			Calculation[2]
Total Ammonia as N[1] March – October	lb/day	Seasonal Average Limit: 272 lb/day. See I.B.10			Effluent	3/week	24-Hr. Comp.
Total Ammonia as N[1] November – February	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Total Phosphorus as P[1] February – October	µg/L	Report	Report	—	Effluent	3/week	24-Hr. Comp.
	lb/day	Report	Report	—			Calculation[2]
	lb/day	Seasonal Average Limit: 3.17 lb/day. See I.B.10					
Total Phosphorus as P November – January	µg/L	Report	Report	—	Effluent	1/week	24-Hr. Comp.
Silver October – June Effluent Flow > 4.2 mgd	µg/L	8.01	—	22.5	Effluent	1/month	24-Hr. Comp.
	lb/day	0.401	—	1.13			Calculation[2]
Cadmium	µg/L	Report	Report	—	Effluent	1/month	24-Hr. Comp.
	lb/day	See I.C.					Calculation[2]
Lead	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
	lb/day	See I.C.					Calculation[2]
Zinc	µg/L	135	—	168	Effluent	1/month	24-Hr. Comp.
	lb/day	6.76	—	8.42			Calculation[2]
Temperature	°C	Report	—	Report	Effluent	5/week	Grab
Cadmium	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Copper	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Silver July – September and October – June when effluent flow is ≤ 4.2 mgd	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Alkalinity	mg/L as $CaCO_3$	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Hardness	mg/L as $CaCO_3$	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Oil and Grease	mg/L	Report	—	Report	Effluent	1/quarter	Grab
Total Dissolved Solids	mg/L	Report	—	Report	Effluent	1/quarter	24-Hr. Comp.
Polychlorinated Biphenyl (PCB) Congeners[5]	pg/L	Report	—	Report	Influent	1/2 months	24-Hr. Comp.
PCB Congeners[5]	pg/L	Report	—	Report	Effluent	1/quarter	24-Hr. Comp.
2,3,7,8 tetrachloro-dibenzo-p-dioxin (TCDD)[6]	pg/L	Report	—	Report	Influent and Effluent	1/quarter	24-Hr. Comp.
Orthophosphate as P	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Total Kjeldahl Nitrogen	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Nitrate – Nitrite as N	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.

Comment [DW9]: Need to fix the formatting. It is hard to understand this.

Comment [BN10]: I will make sure none of the rows of the table are split across pages.

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Comment [MK11]: The AML MDL based on ID WQ Stds, seasonal avg based on TMDL… I don't buy the approach – there are too many other NH_3 limits that exceed the seasonal mass loading.

Comment [djm12]: These numbers were not modeled (only the seasonal average limit was below). How can we ensure these AML and MDL, in conjunction with the seasonal average limit, are meeting the assumptions of the TMDL?

Comment [BN13]: This is also a response to Ellie's comment, above. The average monthly and average weekly limits are, in fact, calculated on Idaho's numeric ammonia criteria. However, there is also a seasonal average NH3 limit, which is identical to the model input. So, the modeling is, in fact, represented as an effluent limit.

This was a compromise I arrived at with the City. They wanted a seasonal average limit (exclusively); I told them that I could only accept a seasonal average limit if I could demonstrate that there was no toxicity issue. Thus, I established shorter-term limits based on toxicity.

This is not unlike the Spokane County permit which has seasonal average NH3 limits based on modeling and additional maximum daily limits (which are much higher than the seasonal average limits).

Comment [P14]: EPA derived these mass limits based on meeting receiving water quality criteria. EPA needs to express these limits as concentrations, not loading. This will prevent exceeding receiving water criteria that may occur at lower effluent flows (<6 mgd) and higher ammonia concentrations.

Comment [BN15]: We can consider concentration limits. I agree with Pat that, under some circumstances, chronic criteria would not be met at the edge of a 2.5% mixing zone.

However, the limits are consistent with 40 CFR 122.45(b)(1), which requires that effluent limits for POTWs be calculated based on design flow. Also, arguably, the limits are consistent with the recommendation in the TSD (Section 5.7.1) that a combination of mass and concentration limits be required if there is less than 100-fold dilution ... [1]

Comment [DW16]: This Seasonal average limit is less than the monthly average limit. How will they statistically hit the season limit (TMDL requirement) if they meet the AML?

Comment [BN17]: There is no relationship between the average monthly and seasonal average NH3 limits. They have different bases. The average monthly and maximum daily limits are based ... [2]

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Comment [MK18]: Meets WLA

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Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Dissolved Oxygen	mg/L	Report minimum and average			Effluent	1/month	Grab
NPDES Application Form 2A Effluent Testing	See I.B.10				Effluent	3x/5years	—
Whole Effluent Toxicity	TU_c	See I.C.			Effluent	2/year	24-Hr. Comp.

Notes:
1. These effluent limits are subject to a compliance schedule. See I.C and I.D.
2. Loading is calculated by multiplying the concentration in mg/L by the corresponding flow (in mgd) for the day of sampling and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the *NPDES Self-Monitoring System User Guide* (EPA 833-B-85-100, March 1985).
3. Percent removal is calculated using the following equation:
(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.
4. The average monthly E. coli bacteria counts must not exceed a geometric mean of 126/100 ml based on a minimum of five samples taken every 3-7 days within a calendar month. See Part VI for a definition of geometric mean.
5. See I.B.11.
6. See I.B.12.

2. The permittee must report within 24 hours of discovery any violation of the maximum daily or instantaneous maximum limits for the following pollutants: E. coli, total ammonia as N, zinc, and total residual chlorine. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B and III.H).
3. Effluent loading and concentration of cadmium, copper, lead, silver and zinc must be reported as total recoverable metal.
4. The permittee must not discharge floating, suspended, or submerged matter of any kind in amounts causing nuisance or objectionable conditions or that may impair designated beneficial uses of the Spokane River.
5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. If the effluent limit is less than the minimum level of the most sensitive EPA-approved analytical method, the permittee must use the most sensitive EPA-approved analytical method. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MLs less than or equal to those specified in Table 2. If no minimum level is listed in Table 2 and the pollutant is not subject to an effluent limit, the permittee may use any EPA-approved method for analysis. For monitoring of PCBs and 2,3,7,8 TCDD, the permittee must comply with parts I.B.11 and I.B.12 of this permit.

Table 2: Maximum MLs for Pollutants Not Subject to Concentration Effluent Limitations

Parameter	Units	Maximum ML
Cadmium	µg/L	1
Nitrate – Nitrite as N	µg/L	50
Silver	µg/L	0.3
Total Ammonia as N (Feb. – Oct.)	µg/L	50
Total Kjeldahl Nitrogen	µg/L	50
Total Phosphorus	µg/L	10
PCB Congeners	pg/L	See I.B.12.
2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD)	pg/L	See I.B.13.
Mercury (expanded effluent testing)	µg/L	0.01

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}." If a value is less than the ML, the permittee must report "less than {numeric value of the ML}," except for PCBs and 2,3,7,8 TCDD. For PCBs and 2,3,7,8 TCDD, if a value is greater than the MDL, the permittee must report the actual value, even if it is less than the ML.

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

9. The permittee must perform the effluent testing required by Parts B.6. and D of NPDES application Form 2A (EPA Form 3510-2A, revised 1-99). The permittee must submit the results of this testing with its application for renewal of this NPDES permit. To the extent that effluent monitoring required by other conditions of this permit satisfies this requirement, these samples may be used to satisfy the requirements of this paragraph.

10. Seasonal average effluent limits for total phosphorus and ammonia:

    a) The seasonal average phosphorus load must not exceed 3.17 lb/day for the season of February 1st through October 31st each year, inclusive.

    b) The seasonal average ammonia load must not exceed 272 lb/day for the season of March 1st through October 31st each year, inclusive.

    c) The seasonal average phosphorus and ammonia loads must be calculated as the sum of all daily discharges measured during the seasons stated in Parts I.B.10.a and b above, divided by the number of daily discharges measured during those seasons. If the daily average effluent flow rate is zero for at least three days during the season, the permittee may include zero pound per day daily discharge values in the calculation of the seasonal average phosphorus and ammonia loads load as specified in Attachment A of this permit.

d) The seasonal average phosphorus and ammonia loads must be reported on the October DMR, regardless of whether a discharge of pollutants occurs during the month of October.

e) The permittee must report the monthly average, maximum weekly average, and maximum daily total phosphorus and ammonia loads and concentrations on the monthly DMRs as stated in Table 1.

f) In addition to the seasonal average limit for ammonia, the permittee must comply with the average monthly and maximum daily limits for ammonia in Table 1.

Comment [MK19]: Seasonal limit more stringent, so compliance with SAL would seem to mean compliance with AML/MDL

Comment [BN20]: In general I think this would be true but it depends on how variable the ammonia concentration and load are.

g) On the DMRs for February – September, inclusive, the permittee must calculate and report the partial seasonal average phosphorus load for February 1st through the last day of the monitoring month, inclusive. On the DMRs for March – September, inclusive, the permittee must calculate and report the partial seasonal average ammonia load for March 1st through the last day of the monitoring month, inclusive. The partial seasonal average phosphorus and ammonia loads must be reported every month during these seasons regardless of whether a discharge of pollutants occurs during a given month.

(i) The partial seasonal average phosphorus load must be calculated as the sum of all daily discharges measured during the season of February 1st through the last day of the monitoring month, inclusive, divided by the number of daily discharges measured during that time frame. If the daily average effluent flow rate is zero for at least three days during the season, the permittee may include zero pounds per day values in the calculation of the partial seasonal average phosphorus load as specified in Attachment A of this permit.

(ii) If the partial seasonal average phosphorus load for February 1st through the last day of the monitoring month, inclusive, is greater than 3.17 lb/day, the permittee must submit a written report with the DMR, explaining the steps that the permittee will take to reduce its discharge of total phosphorus in order to achieve compliance with the seasonal average effluent limit by October 31st.

(iii) The partial seasonal average ammonia load must be calculated as the sum of all daily discharges measured during the season of March 1st through the last day of the monitoring month, inclusive, divided by the number of daily discharges measured during that time frame. If the daily average effluent flow rate is zero for at least three days during the season, the permittee may include zero pounds per day values in the calculation of the partial seasonal average phosphorus load as specified in Attachment A of this permit.

(iv) If the partial seasonal average ammonia load for February 1st through the last day of the monitoring month, inclusive, is greater 272 lb/day, the permittee must submit a written report with the DMR, explaining the steps that the permittee will take to reduce its discharge of total

phosphorus in order to achieve compliance with the seasonal average effluent limit by October 31st.

11. The permittee must analyze influent and effluent samples for polychlorinated biphenyl (PCB) congeners and report the results as specified below.
    a) For the first four influent and effluent samples for PCB congeners, the permittee must use EPA Method 1668 for analysis.
    b) If at least one of the first four influent or effluent samples contains less than 5.0 nanograms per liter total PCBs, the permittee must continue to use EPA method 1668 for subsequent analysis of PCB congeners at such location(s).
    c) If all of the first four influent or effluent samples contain at least 5.0 nanograms per liter total PCBs, the permittee may use either EPA Method 8082 or 1668 for analysis of PCB congeners in subsequent samples at the location(s) where concentrations were always greater than or equal to 5.0 nanograms per liter in the first four samples.
    d) For any analysis of influent or effluent total PCBs using EPA Method 8082, the permittee must target an ML no greater than 5.0 nanograms per liter and must, at a minimum, analyze for each of the individual congeners listed in Section 1.1 of the method.
    e) For any analysis of influent or effluent PCB congeners using EPA Method 1668, the permittee must target an MDL no greater than 10 picograms per liter and must analyze for each of the 209 individual congeners.
    f) The permittee must report results on the DMRs as total PCBs. The permittee must submit the laboratory results of the congener analysis with the DMRs.
12. For analysis of influent and effluent samples for 2,3,7,8 TCDD, the permittee must use EPA Method 1613B and must target an ML no greater than 10 picograms per liter.

C. Effluent Limits for Cadmium, Lead, and Zinc

The permittee must comply with the more stringent of the effluent limits for cadmium and lead specified below.

Table 3: Cadmium and Lead Effluent Limits Based on the State of Idaho's Clean Water Act Section 401 Certification

Parameter	Units	Effluent limits		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit[2]
Cadmium	lb/day[1]	0.0075	0.0094	—
Lead	lb/day[1]	0.13	—	0.29

Notes:
1. See I.C.1.
2. See I.B.2.

Comment [AB21]: See comment in Part VI.

Also "MDL" acronym has two meanings. Maybe clear to permit experts but wasn't clear as far as a general reader goes.

Comment [AB22]: Add definitions for ML and MDL as these are used differently by different entities. We want to standardize how data is described/understood to the extent possible.

Am assuming these come from this document: http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Permits+Homepage/$FILE/ML-MDL-Policy-4-25-05.pdf

Comment [BN23]: The terms "method detection limit" (ML) and "minimum level" (ML) are defined in the permit. See Part VI.

Comment [AB24]: What constitutes a "Total PCB"? The sum of the congeners? Is that greater than ML or MDL? Per each congener? It is important to define at what level a PCB congener becomes reported and summed. The totals can vary depending on how the low levels are summed.

Comment [BN25]: I assumed it would be the sum of all PCB congeners measured at concentrations at or above the minimum level or reporting level. Note that "Total PCBs" is strictly for reporting on the DMR form itself; the next sentence requires submission of the complete lab results for individual congeners. I could add language clarifying how "total PCBs" is defined.

Comment [AB26]: See comment in Part VI. The goal is to have some clarity in terms with respect to reporting the laboratory PCB data. There are a number of different terms for similar concepts but the terms have subtle differences. Laboratories are not consistent in their reports. We are looking at standardizing this for the Task Force so we compare apples with apples when it comes to analytical data for the region. One thing that we hope to establish is an SOP for reporting environmental data so it would be good to have 1) flexibility in the permit to so the permittee can use an SOP once it is developed and 2) consistency in terms. I have provided a link to the most recent reference I have on this from EPA. I have not consulted with the analytical experts here at Ecology.

Comment [djm27]: For Pat, are these limits in fact more stringent than for WA dischargers based on the Spokane metals TMDL?

Comment [P28]: Spokane River Metals TMDL required effluent limits as the more stringent of:
1. WQ based limits based on end-of-pipe hardness, or
2. Limits based on past performance.

It looks like the lead limit was based on end-of-pipe hardness and the 1999 flowrates. So, the lead concentration limit should be similar to the W ... [3]

Comment [BN29]: In short, the Cd limits are performance-based. They were calculated based on current performance for concentration combined with the design flows of the POTWs at the time the 1999 permits were issued. The intent was to not authorize more loading of Cd than was tacitly ... [4]

Table 4: Cadmium and Lead Effluent Limits Based on the Clean Water Act and Federal Regulations				
Parameter	**Units**	**Effluent limits**		
		Average Monthly Limit	**Average Weekly Limit**	**Max. Daily Limit**
Cadmium	lb/day	Report	Report	—
Lead	lb/day	Report	—	Report

1. Offset Plan for cadmium and lead loading limits based on the State of Idaho's Clean Water Act Section 401 Certification: The permittee may demonstrate compliance with the loading (lb/day) limits for cadmium and lead that are based on the State of Idaho's Clean Water Act Section 401 Certification in Table 3, above, by subtracting the loading of cadmium and/or lead reduced through an offset plan that is approved by IDEQ when reporting the cadmium and/or lead loading on monthly DMRs.
   a) The offset plan may not be utilized to demonstrate compliance with any of the effluent limits in Table 1, above.
   b) The offset plan may not be utilized to adjust the reported loading or concentration of cadmium or lead for the purposes of Tables 1 and 4, above.
   c) Prior to using offsets to demonstrate compliance with the cadmium and/or lead loading limits in Table 3, the permittee must submit the following documents to EPA:
      (i) The offset plan.
      (ii) Written documentation of IDEQ's approval of the offset plan
      (iii) A written certification that the offset plan has been implemented.
   d) The offset plan must demonstrate that any increased loading of cadmium and/or lead in excess of the effluent loading limits in Table 3, above, will be offset by other actions or projects in the watershed.

D. Schedules of Compliance

1. The permittee must comply with all effluent limitations and monitoring requirements in Part I.B beginning on the effective date of this permit, except those for which a compliance schedule is specified in Part I.C.2.
2. A schedule of compliance is authorized only for the following effluent limitations:
   a) Total phosphorus effluent limits in effect during February – October.
   b) All average monthly and maximum daily effluent limitations on total ammonia as N in effect during March – September.
   c) The seasonal average effluent limit for total ammonia as N in effect during March – October.

Comment [DW30]: Is this based on the extended limits modeling conditions? If so, please state.

Comment [BN31]: Yes, the TP limits apply from Feb.-Oct. because this was part of the Idaho dischargers proposal for alternative limits, which we (and Ecology) accepted as being "equivalent" to the TMDL. I can state that this is a use of the extended season "tool" if that would be helpful.

3. The permittee must achieve compliance with the final effluent limitations for total phosphorus and total ammonia as N as set forth in Part I.B (Table 1) of this permit not later than ten (10) years after the effective date of the final permit.
4. While the schedules of compliance specified in Part I.D.2 of this permit are in effect, the permittee must complete interim requirements and meet interim effluent limits and monitoring requirements as specified in Part I.E of this permit.

E. Interim Requirements for Schedules of Compliance

Comment [DW32]: Are you providing dischargers with delta elimination opportunities i.e. TMDL toolbox tools such as state equivalence, dynamic equivalence, bubble permits, extended season limits…

Comment [BN33]: Yes, we will provide these opportunities. We had implemented this in the permit using the "Causes for Modification" condition (see the permit at Part II.F.). I will take a look at that section to see if I need to change any language to make it more consistent with the terms that are being used by the TMDL implementation workgroup.

1. By one (1) year after the effective date of the final permit, the permittee must provide a preliminary engineering report to EPA and IDEQ outlining estimated costs and schedules for completing capacity expansion and implementation of technologies to achieve final effluent limitations. This schedule must include a timeline for full scale pilot testing and results of any testing conducted to date.
2. By three (3) years after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that full scale pilot testing of the technology that will be employed to achieve the final limits has been completed and must submit a summary report of results and plan for implementation.
3. By five (5) years after the effective date of the final permit, the permittee must provide EPA and IDEQ with written notice that design has been completed and bids have been awarded to begin construction to achieve final effluent limitations.
4. By eight (8) years after the effective date of the final permit, the permittee must provide EPA and DEQ with written notice that construction has been completed on the facilities to achieve final effluent limitations.
5. By ten (10) years after the effective date of the final permit, the permittee must provide EPA and DEQ with a written report providing details of a completed start up and optimization phase of the new treatment system and must achieve compliance with the final effluent limitations of Part I.B. The report shall include two years of effluent data demonstrating that final effluent limits can be achieved (the two years of data do not have to consistently meet final effluent limits but demonstrate that at the end of this period final limits can be met).
6. By years six (6), seven (7), and eight (8) after the effective date of the final permit, the permittee must submit to EPA and IDEQ progress reports, which outline the progress made toward achieving compliance with the total phosphorus and total ammonia as N effluent limitations. At a minimum, the reports must include:
   a) An assessment of the previous year of effluent data and comparison to the interim and final effluent limitations.
   b) A report on progress made toward meeting the final effluent limits.
   c) Further actions and milestones targeted for the upcoming year.
7. While the schedules of compliance specified in Part I.D.2 are in effect, the permittee must comply with interim effluent limitations and monitoring requirements as specified in Table 5, below.

Table 5: Interim Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Total Ammonia as N March – June	mg/L	Report	Report	—	Effluent	1/week	24-Hr. Comp.
Total Ammonia as N July – September, effluent flow ≤ 4.2 mgd	mg/L	10	—	29	Effluent	1/week	24-Hr. Comp.
	lb/day	350	—	1,000			Calculation
Total Ammonia as N July – September, effluent flow > 4.2 mgd	mg/L	7.4	—	21	Effluent	1/week	24-Hr. Comp.
	lb/day	370	—	1,100			Calculation
Total Phosphorus as P February – October	mg/L	1.0	1.6	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	50	80	—			Calculation

F. 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, a split of each sample collected must be analyzed for those chemical and physical parameters required in Part I.B above with a required sampling frequency of monthly or more frequently. When the timing of sample collection coincides with that of the sampling required in Part I.B, analysis of the split sample will fulfill the requirements of Part I.B as well.

2. Chronic Test Species and Methods

   a) For outfall 001, chronic tests must be conducted twice per year, once during the period from October 1 through June 30, and once during the period from July 1 through September 30.

   b) The permittee must conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test), and a green alga, *Selenastrum capricornutum* (growth test) for the first three suites of tests. After this screening period, monitoring must be conducted using the most sensitive species.

   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.

   Field Code Changed

   d) Results must be reported in TU_c (chronic toxic units), which is defined as follows:

   Field Code Changed

      (i) For survival endpoints, $TU_c = 100/NOEC$.

      (ii) For all other test endpoints, $TUc = 100/IC_{25}$.

(iii) IC_{25} means "25% inhibition concentration." The IC_{25} is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

(iv) NOEC means "no observed effect concentration." The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

3. Quality Assurance

a) 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, two dilutions above the RWC, and two dilutions below the RWC. The RWCs are:

(i) 6.9% effluent for July 1 through September 30

(ii) 3.5% effluent for October 1 through June 30.

b) 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.

Field Code Changed

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

Field Code Changed

(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 of 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 of 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 shall

water that has not met test acceptability criteria be used for either dilution or control.

4. Reporting

   a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMRs). Toxicity tests taken from October 1st through June 30th must be reported on the August DMR. Toxicity tests taken from July 1st through September 30th must be reported on the November DMR.

   b) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of *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. In addition to toxicity test results, the permittee must report: Dates of sample collection and initiation of each test; effluent flow rate at the time of sample collection; and the results of the monitoring required in Part I.B of this permit, for parameters with a required monitoring frequency of once per month or more frequently.

Field Code Changed

5. Preparation of initial investigation toxicity reduction evaluation (TRE) plan: Prior to initiation of the toxicity testing required by this permit, the permittee shall submit to EPA a copy of the permittee's initial investigation TRE workplan. This plan shall describe the steps the permittee intends to follow in the event chronic toxicity is detected at levels greater than the triggers in Part I.E.6, and should include at a minimum:

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

   b) A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and

   c) If a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).

6. Accelerated testing

   a) The chronic toxicity triggers are:

      (i) 14.5 TU_c for July 1 – September 30.

      (ii) 28.7 TU_c for October 1 – June 30.

   b) If chronic toxicity is detected above the triggers in Part I.F.6.a, the permittee must implement the initial investigation TRE workplan. If implementation of the initial investigation TRE workplan indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary.

   c) If chronic toxicity is detected above the triggers in Part I.F.6.a in the test required under Part I.F.6.b, above, then the permittee shall conduct six more tests, bi-weekly (every two weeks), over a twelve-week period. Testing shall

commence within two weeks of receipt of the sample results of the exceedance.

7. Toxicity Reduction Evaluation (TRE)

   a) If chronic toxicity is detected above the triggers in Part I.F.6.a in any of the six additional tests required under Part I.F.6.c, then, in accordance with the permittee's initial investigation TRE workplan and EPA manual EPA 833-B-99-002 (*Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*), the permittee shall initiate a TRE within fifteen (15) days of receipt of the sample results of the exceedance. The permittee will develop as expeditiously as possible a more detailed TRE workplan, which includes:

      (i) Further actions to investigate and identify the cause of toxicity;

      (ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

      (iii) A schedule for these actions.

   b) The permittee may initiate a TIE as part of the overall TRE process described in the EPA acute and chronic TIE manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).

   c) If none of the six tests required under Part I.F.6.c. above indicated toxicity, then the permittee may return to the normal testing frequency.

   d) If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated or used as necessary in performing the TIE.

G. Surface Water Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start within 180 days after the effective date of the permit and continue as long as this permit remains in force. The program must meet the following requirements:

1. Monitoring stations must be established in the Spokane River at the following locations:

   a) Spokane River upstream of the City of Coeur d'Alene outfall.

   b) Spokane River downstream of the City of Coeur d'Alene outfall and upstream of the Hayden Area Regional Sewer Board outfall.

2. Monitoring locations for PCBs may be different from the monitoring locations for other parameters as long as such PCB monitoring locations fit the descriptions in Part I.G.1.

3. The permittee must seek approval of the surface water monitoring stations from IDEQ prior to initiating surface water monitoring.

4. 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.

5. All ambient samples must be grab samples.

Comment [AB34]: If the purpose of this monitoring is to establish a PCB loading then the concentrations may not have meaning without river flow data. Ideally the PCB measurement should result in a concentration (mass/volume) that is associated with a flow rate (vol/time) so that (mass/time) is identified.

Comment [DW35]: I agree with the above statement. River flow data should be collected at the same time as the sampling is completed.

Comment [BN36]: River flow is measured continuously by the USGS at the Post Falls Dam. We can pair up the measured concentrations with the USGS flows for the days of sampling. http://waterdata.usgs.gov/id/nwis/dv/?site_no=12419000&agency_cd=USGS&referred_module=sw

Comment [AB37]: Because the river is interconnected with the aquifer and has gaining/losing reaches, then the location of the sampling should coincide geographically with the flow measuring device.

One of the criticisms of the manner in which Ecology did the loading calculations for PCB was the way in which the measured concentrations were used based on the location and nature of the flow measurement. One can get widely differing PCB loads by varying how the flow is included in the calculation.

We can eliminate some uncertainty in the load assessment by pairing the sampling and flow data both in time and geography. This precision, however would limit the load assessment calculation to just that time and just that location.

6. Samples must be analyzed for the parameters listed in Table 6, and must achieve minimum levels (MLs) that are equivalent to or less than those listed in Table 6. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If no maximum ML is listed in Table 6 for a particular pollutant, the permittee may use any EPA-approved method for analysis.
7. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part II.D, "Quality Assurance Plan".
8. The permittee must submit surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and IDEQ by January 31st of the following year. At a minimum, the annual 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.
9. Any receiving water sampling for PCBs performed by or for the Spokane River Regional Toxics Task Force that otherwise meets the receiving water PCB sampling requirements of this permit may be used to fulfill such requirements.

Comment [DW38]: Please consider allowing us to review these and provide feedback. It would be very good to have this data be comparable with WA data

Comment [BN39]: I don't know if we can do that or not but I will check with our legal and compliance units.

Table 6: Surface Water Monitoring Requirements

Parameter (units)	Sample Locations	Sample Frequency	Sample Type	Maximum ML
$CBOD_5$	Upstream and Downstream	8/year[1]	Grab	---
Total Ammonia as N (mg/L)	Upstream and Downstream	8/year[1]	Grab	0.05 mg/L
pH (standard units)	Upstream and Downstream	8/year[1]	Grab	---
Nitrate + Nitrite as N (mg/L)	Upstream and Downstream	8/year[1]	Grab	0.1 mg/L
Total Phosphorus as P (µg/L)	Upstream and Downstream	8/year[1]	Grab	5 µg/L
Orthophosphate as P (µg/L)	Upstream and Downstream	8/year[1]	Grab	5 µg/L
Dissolved Oxygen (mg/L)	Upstream and Downstream	8/year[1]	Grab	---
Chlorophyll a	Upstream and Downstream	8/year[1]	Grab	---
PCB Congeners	Upstream and Downstream	2/year[2]	Grab	Note 3

Notes:
1. The permittee must sample the receiving water at least twice per month during the months of July, August, September, and October.
2. The permittee must sample the receiving water at least once during the season of April 1 – June 30 and at least once during the season of July 1 – October 31.
3. The permittee must use EPA Method 1668 for analysis of receiving water samples for PCBs, must target an MDL no greater than 10 pg/L, and must analyze for each of the 209 individual congeners.

Comment [AB40]: Per congener?

Comment [BN41]: Yes, that was the intent and I can clarify that.

II. Special Conditions

A. Operation and Maintenance Plan

In addition to the requirements specified in Section IV.E of this permit (Proper Operation and Maintenance), the permittee must develop an operations and maintenance (O&M) plan for the current wastewater treatment facility and provide written notice to EPA and IDEQ that the O&M plan has been developed and implemented within 180 days of the effective date of this permit. Any existing operation and maintenance plans may be modified for compliance with this section. The plan must include any operational changes necessary to minimize the effluent loading of total phosphorus as required by II.C.3.(a), below. The plan must be retained on site and made available on request to EPA and IDEQ. Any changes occurring in the operation of the plant shall be reflected within the Operation and Maintenance plan.

B. Phosphorus Management Plan

The permittee must submit to EPA and IDEQ a phosphorus management plan for the facility within 1 year of the effective date of this permit. The information obtained in compliance with Parts II.B.1-5 must be recorded and retained by the permittee within the phosphorus management plan. The permittee must provide written notice to EPA and IDEQ that it has implemented the phosphorus management plan within 18 months of the effective date of the final permit. The phosphorus management plan must meet the requirements below.

1. The permittee must compile influent and effluent phosphorus data for the wastewater treatment plant.
2. The permittee must evaluate the wastewater treatment plant's phosphorus reduction potential.
   a) The permittee must compare its effluent phosphorus concentrations against typical values for wastewater treatment plants utilizing similar treatment technology.
   b) If the effluent phosphorus concentrations are higher than typical levels, the permittee must investigate the cause of the high phosphorus concentrations and take steps to reduce phosphorus concentrations.
3. The permittee must identify phosphorus reduction goals for the wastewater treatment plant.
   a) The effluent phosphorus reduction goals must be consistent with interim or final phosphorus effluent limits, as appropriate, or with typical values for the type of treatment process employed by the wastewater treatment plant, whichever results in the lower effluent phosphorus concentrations or greater reductions in total phosphorus.
   b) Effluent phosphorus reduction goals may change depending on whether phosphorus effluent limits are in effect and the value of the phosphorus limits, however, phosphorus reduction goals must be identified for all times.

c) The permittee must identify an influent phosphorus reduction goal.

4. The permittee must evaluate the phosphorus reduction potential of non-domestic users of the POTW.

   a) The Plan must list the non-domestic users of the treatment works which fit the following categories:

      (i) Agricultural co-ops.

      (ii) Car/truck washing facilities.

      (iii) Dairies.

      (iv) Food processing plants.

      (v) Meat packing and locker plants.

      (vi) Metal finishing facilities.

      (vii) Municipal water treatment plants that add phosphorus to drinking water.

      (viii) Nursing homes.

      (ix) Restaurants.

      (x) Schools.

      (xi) Any other non-domestic users of the POTW which contribute at least 5% of the total influent phosphorus loading to the POTW.

   b) In the Plan, the permittee must evaluate which of these non-domestic users have the greatest opportunity for reducing phosphorus.

   c) For those non-domestic users which the permittee determines to have the greatest potential to reduce phosphorus loading to the POTW, the permittee must work with non-domestic user to develop a phosphorus reduction goal.

5. The permittee must identify the phosphorus reduction strategies to be used to meet the phosphorus reduction goals. The permittee must select and describe phosphorus reduction strategies for the following four phosphorus contributors, if applicable. The permittee must note which of the four contributors listed below are included in the plan, and which were omitted. For those contributors which are omitted, the permittee must explain the omission.

   a) Non-domestic users (see II.C.4).

   b) The wastewater treatment plant.

   c) Residential or domestic users.

   d) Drinking water treatment plant.

6. For each group of phosphorus contributor in the plan (see II.B.4 and II.B.5), the permittee must consider the following phosphorus reduction strategies and list which strategy or strategies it will employ for phosphorus reduction.

a) Source reduction or prevention (e.g. process changes and water recovery for industrial users and restrictions on the sale or use of phosphate detergents for domestic users).

b) Water conservation.

c) Wastewater re-use.

d) Education (e.g. information about environmentally preferable purchasing of low or non-phosphorus products).

e) Staff training (at the WWTP and for non-domestic users).

f) Pretreatment requirements for non-domestic users (e.g. local limits).

g) Phosphorus removal at the WWTP (chemical, physical, and biological methods).

h) Ongoing monitoring.

7. The permittee must revise the phosphorus management plan within 180 days whenever:

   a) It is found to be ineffective in reaching the phosphorus reduction goals, or

   b) Changes to the treatment process that affect the phosphorus reduction potential of the treatment plant (II.C.2.) are completed.

8. The permittee must submit to EPA and IDEQ an annual report of phosphorus reductions achieved through the phosphorus management plan. The first annual report is due 2 years after the effective date of the final permit, and subsequent reports are due annually thereafter.

C. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented within 180 days of the effective date of this permit. Any existing QAPs may be modified for compliance with this section.

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(s) indicating the location of each sampling point.

c) Qualification and training of personnel.

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

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

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

D. 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 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 emergency operations.

2. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented by 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.

E. 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 entitled City of Coeur d'Alene Industrial Pretreatment Program (July 31, 1984), any program amendments submitted thereafter and approved by EPA, and the general pretreatment regulations (40 CFR 403, as amended at 70 FR 60134). 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 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 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. For IUs designated as significant prior to November 14, 2005, this evaluation must be conducted by October 14, 2006 [40 CFR 403.8(f)(2)(vi)].

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, on the basis of information provided to EPA, it is determined that any source contributes pollutants to the permittee's facility in violation of subsection (b), (c), or (d) of Section 307 of the Act, EPA will notify the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.

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 1 year of the effective date of this 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. The study must address phosphorus and total ammonia as N if the POTW accepts non-domestic discharges of these pollutants. Submitted results of the study must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions. The permittee need not perform the local limits evaluation if the POTW does not accept non-domestic discharges of phosphorus or ammonia.

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 140 ºF or 60 ºC 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 (BOD, 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 40 ºC (104 ºF) 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 403 through 471.

8. Sampling Requirements

a) The permittee must conduct ongoing sampling for continued local limits analysis and evaluation as described in Table 5, below. To the extent that monitoring required by other conditions of this permit satisfies the requirements of Table 5, this sampling can be used to satisfy the requirements of Table 5.

Table 5: Ongoing Pretreatment Monitoring

Pollutant	Locations	Frequency
Pollutants for which local limits were developed	Influent, Effluent, Sludge	1/quarter
Pollutants for which maximum allowable headworks loadings were calculated but no local limits were adopted	Influent, Effluent, Sludge	2/year
Organic priority pollutants	Influent	Annual

b) Sampling procedures for pretreatment monitoring: 24-hour composite samples must be used except for the following pollutants (if applicable): pH, cyanide, VOCs, total phenols, oil and grease, total petroleum hydrocarbons, sulfide, flashpoint, and temperature. When grab samples are used, at least four grab samples must be collected per sampling event.

c) Analytical methods for pretreatment monitoring: For analysis of wastewater, the permittee must use the approved methods 40 CFR 136. For analysis of sludge, the permittee must comply with 40 CFR 503.Sludge Sampling: Sludge samples must be taken as the sludge leaves the dewatering device or digesters.

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

e) 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 paragraph 9, below.

f) Cyanide sampling: Influent and effluent sampling for cyanide must be conducted as follows. At least four 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 program activities over the previous 12 months. This report must be submitted to the following address no later than November 1st of each year:

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

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

(ii) 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.

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

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

(v) 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.

(vi) 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:

(i) Date & time of the incident

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

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

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

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

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

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

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

(f) 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).

(g) 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.

(vii) Status of enforcement activities including:

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

(i) Summary of the violation(s).

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

(iii) 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.

F. Causes for Modification

1. This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon EPA's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.63 and 122.64. All requests must be in writing and must contain facts or reasons supporting the request. If a permit modification satisfies the criteria in 40 CFR 122.63 for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft modified permit must be prepared and other procedures in 40 CFR Part 124 followed.

2. New information may be a cause for modification of this permit. The permit may be modified during its term for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance. New information may include, but is not limited to, the following:

   a) Information supporting water quality trading or aggregate ("bubble") water quality-based effluent limits ("WQBELs"). Any water quality trading or aggregate WQBEL provisions included in a modified permit must ensure compliance with EPA's Water Quality Trading Policy (dated January 13, 2003), any applicable EPA trading guidance, and the IDEQ Water Quality Pollutant Trading Guidance (dated July 2010). If such provisions allow trading with pollution sources in the State of Washington, any water quality trading provisions included in a modified permit must ensure compliance with WAC 173-201A-450. Information supporting water quality trading includes, but is not limited to, the following:

      (i) Location ratios;

      (ii) Uncertainty ratios;

      (iii) Equivalency ratios;

      (iv) Available best management practices for nonpoint source reduction; and

      (v) Information regarding the effectiveness of pollutant reduction by sources that can generate trading credits.

   b) Effluent and/or receiving water quality and/or quantity data.

   c) New water quality modeling analyses, including, but not limited to, the following:

      (i) Modeling demonstrating that an alternate set of effluent limits for total phosphorus ("TP"), ammonia, and $CBOD_5$ causes an equivalent or lesser impact to dissolved oxygen in the State of Washington as the current set of limits.

(ii) Modeling incorporating new information regarding the bioavailability of TP in the permittee's effluent, including but not limited to the fraction of the TP in the permittee's effluent that is present as reactive phosphorus or orthophosphate.

3. Any modification of this permit must comply with all applicable requirements of the Clean Water Act and implementing regulations, including, but not limited to:

   a) The antibacksliding provisions of the Clean Water Act and federal regulations (CWA §§ 402(o) and 303(d)(4); 40 CFR 122.44(l)). See Part II.G of this permit regarding the application of anti-backsliding to phosphorus, ammonia and $CBOD_5$ limits.

   b) Technology-based treatment requirements (40 CFR Parts 125.3 and 133; CWA § 301(b)(1)(B))

   c) The applicable water quality requirements of all affected States (40 CFR Parts 122.4(d) and 122.44(d); CWA §§ 301(b)(1)(C) and 401(a)(2)).

   d) Any conditions included in the State of Idaho's Section 401 certification of the modified permit which are necessary to ensure compliance with the applicable provisions of CWA §§ 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of Idaho law.

G. Antibacksliding

The water quality-based effluent limits for total phosphorus (TP), total ammonia as N (NH_3) and 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) in this permit are established at levels necessary to ensure compliance with the State of Washington's water quality standards for dissolved oxygen (DO), while considering the cumulative effect of all human actions that may affect DO. In the future, the State of Washington may modify the Spokane River TMDL and/or the effluent limits in NPDES permits for point sources discharging to the Spokane River within the State of Washington. Such modifications may allow for less-stringent effluent limits for total phosphorus, ammonia and/or $CBOD_5$ in this permit, while nonetheless ensuring that the cumulative effect of all such revised effluent limitations will ensure the attainment of water quality standards for DO in the State of Washington. In that case, EPA could revise the water quality-based effluent limits for total phosphorus, ammonia and/or $CBOD_5$. Such revised effluent limits would not violate the antibacksliding provisions of the Clean Water Act if those limits would ensure compliance with all applicable water quality standards for waters of the States of Idaho and Washington (CWA §§ 303(d)(4) and 402(o)(3)).

Comment [AB42]: What about http://water.epa.gov/polwaste/nps/success319/wy_muddymckinney.cfm? Is there an antibacksliding provision for that? TCDD?

Comment [BN43]: The link discusses BMPs to improve unstable stream channels. I'm not sure what the connection is to these permits.

Right now the permits only have monitoring requirements for TCDD (which is the case for the WA permits as well). If we were to reduce the monitoring frequency for TCDD, that could be considered backsliding and would need to be done in compliance with 40 CFR 122.44(l). See also the US. EPA NPDES Permit Writers Manual at Section 7.2.2. http://cfpub.epa.gov/npdes/writermanual.cfm?program_id=45

Comment [AB44]: OK

H. Regional Toxics Task Force

The goal of the Spokane River Regional Toxics Task Force (Task Force) is to develop a comprehensive plan to make measurable progress toward bringing the Spokane River into compliance with applicable water quality standards for PCBs.

To accomplish this goal, the Permittee shall participate in the Task Force under the terms and conditions of the January 23, 2012, Memorandum of Agreement Regarding Spokane River Regional Toxics Task Force and the Operational Concepts

incorporated therein. The Permittee shall not be required to be a member of any non-profit organization or other business entity affiliated with the Task Force.

Comment [DW45]: While I understand that it is a legality that they can't be a member of the business entity there needs to be some language about funding the technical advisor and technical tasks associated with the group.

Comment [BN46]: This language represents the product of extensive negotiation between the dischargers and environmental groups. I'm not sure it's possible to change it.

I. Monitoring and Best Management Practices for PCBs and 2,3,7,8 TCDD

1. The permittee must conduct analyses of the receiving water and the wastewater facility's influent and effluent for PCBs and 2,3,7,8 TCDD as required in Part I.B of this permit. Effluent and receiving water samples must be collected and analyzed in accordance with protocols and QA/QC procedures specified in the Quality Assurance Plan required by Part II.A of this permit.

2. By 180 days after the effective date of the final permit, the permittee must submit to EPA and IDEQ a Toxics Management Plan (TMP). By one year after the effective date of the final permit, the permittee must submit written notification to EPA and IDEQ that the plan has been implemented. The goal of the TMP must be to reduce loadings of PCBs and 2,3,7,8 TCDD to the Spokane River to the maximum extent practicable. The TMP must address source control and elimination of PCBs and 2,3,7,8 TCDD as follows:

   a) From contaminated soils, sediments, storm water and groundwater entering the POTW collection system via inflow and infiltration.

   b) From industrial and commercial sources.

      (i) If any industrial user's discharges of PCBs and/or 2,3,7,8 TCDD to the POTW treatment plant cause pass through or interference, the permittee must require the industrial user to reduce or eliminate such discharges in compliance with 40 CFR 403.

      (ii) The permittee must not allow any person to discharge to the POTW water containing PCBs in excess of any pretreatment local limit established by the POTW, or 3 µg/L, whichever is less.

   c) By means of eliminating existing sources that are within the direct control of the permittee including but not limited to:

      (i) Machinery manufactured prior to May 31, 1979.

      (ii) Electrical equipment and components containing insulating or dielectric oil manufactured prior to May 31, 1979, including but not limited to transformers, capacitors, regulators, reactors, circuit breakers, switch gear and fluorescent lighting ballasts.

      (iii) Construction material including but not limited to paints and caulking.

      (iv) Commercial materials including but not limited to ink, dyes and lubricants.

   d) By means of changing the permittee's procurement practices, control and minimize the future generation and release of PCBs and 2,3,7,8 TCDD that is within the direct control of the permittee, including preferential use of PCB free substitutes for those products containing PCBs below the regulated level of 50 ppm, in sources including but not limited to:

(i) Electrical equipment and components containing insulating or dielectric oil, including but not limited to transformers, capacitors, regulators, reactors, circuit breakers, switch gear and fluorescent lighting ballasts.

(ii) Construction materials including but not limited to paints and caulking,

(iii) Commercial materials including but not limited to ink, dyes, and lubricants.

(iv) Soaps and cleaners.

e) Within two years of the effective date of the final permit, the permittee, either individually or in collaboration with other dischargers to the Spokane River, must develop and implement a public education program to educate the public about the following:

(i) The difference between products free of PCBs and those labeled non-PCB but which contain PCBs below the TSCA regulatory threshold of 50 ppm.

(ii) Proper disposal of waste products that may contain PCBs including those containing PCBs below the TSCA regulatory threshold of 50 ppm and the hazards associated with improper disposal.

f) The education program must include distribution of appropriate educational materials to the target audiences at least once per year.

g) At least once per year, the permittee must prepare and distribute appropriate information relevant to the TMP to a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW that provide(s) meaningful public notice.

h) The permittee must make all relevant TMP documents available to the public.

3. Beginning two years after the effective date of the final permit, the permittee must submit an annual report to EPA and IDEQ. Each annual report must contain the following information:

a) Monitoring results for PCBs and 2,3,7,8 TCDD for the previous 12-month period, including laboratory data sheets.

b) Copies of education materials, ordinances (or other regulatory mechanisms), inventories, guidance materials, or other products produced as part of the TMP.

c) A description and schedule for implementation of additional actions that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards.

d) A summary of the actions the permittee plans to undertake to reduce discharges of PCBs and 2,3,7,8 TCDD during the next reporting cycle.

e) A summary of the actions taken to reduce discharges of PCBs and 2,3,7,8 TCDD during the previous 12-month period.

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.

Field Code Changed

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 paragraph III.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

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 permittees to electronically submit DMRs and other required reports via a secure internet connection. Specific requirements regarding submittal of data and reports in paper form and submittal using NetDMR are described below.

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 Part 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
1200 Sixth Avenue, Suite 900
OCE-133
Seattle, Washington 98101-3140

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Pkwy

Coeur d'Alene, ID 83814

2. Electronic submissions

Monitoring data must be submitted electronically to EPA no later than the 10th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). 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 and insert State/Tribal agency.

The permittee may use NetDMR after requesting and receiving permission from US 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, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

Field Code Changed

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 Part IV.F, "Bypass of Treatment Facilities");

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

   d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Part I.B.2.

   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").

Field Code Changed

Field Code Changed

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:

5. 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
6. 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.
7. 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.
8. 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 Sixth Avenue
Suite 900, M/S OWW-130
Seattle, WA 98101

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.

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 2 and 3 of this Part.

2. Notice.
   a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
   b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
   a) Bypass is prohibited, and the Director of the 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.
   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 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.

Field Code Changed

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 is 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 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.
4. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily

discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

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. "Credit" means a measured or estimated unit of pollutant reduction per unit of time at the discharge location of the buyer or user of the credit. A seller generates excess load reductions by controlling its discharge beyond what is needed to meet its baseline. A buyer compensates a seller for creating the excess load reductions that are then converted into credits by using trade ratios. Where appropriate, the buyer can use the credits to meet a regulatory obligation.
9. "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.
10. "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.
11. "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.
12. "DMR" means discharge monitoring report.
13. "EPA" means the United States Environmental Protection Agency.
14. "Equivalency ratio" means a factor applied to pollutant reduction credits to adjust for trading different pollutants or different forms of the same pollutant.
15. "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.
16. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
17. "IDEQ" means the Idaho Department of Environmental Quality.

18. "Inhibition concentration", IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
19. "Interference" is defined in 40 CFR 403.3.
20. "Location ratio" means a factor applied to pollutant reduction credits when sources are upstream of a waterbody of concern that accounts for the distance and unique watershed features between a pollutant source and the downstream waterbody (e.g., bay, estuary, lake, reservoir) or area of interest (e.g., a hypoxic zone in a waterbody).
21. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
22. "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.
23. "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.
24. "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.
25. "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).
26. "QA/QC" means quality assurance/quality control.
27. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
28. "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.
29. "Significant Industrial User" means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact

Comment [AB47]:
A couple of months ago I started looking at the myriad of terms that are associated with the analytical data. The more I looked into this, the more confused I became. That included conversations with laboratories that supposedly know more that I do about the topic. From the perspective of getting a handle on the PCB in the watershed the SRRTTF really needs to establish an SOP on analytical data, the terminology, consistency, definitions for terms, when data is useable, how to account for blank contamination, etc.

The definitions below come from an EPA document (2010). Maybe you understand how these terms are used and can explain it to me. (OW refers to the definition as used by the Office of Water). My goal in this is to have the golden balance between flexibility in letting the permittees use an SOP that is developed by the SRRTTF and standardization with respect to how terms are used in permits/reported in the DMRs (which I expect will be an important repository for public information) and other reports.

Perhaps we can chat about this because it actually is pretty important from the perspective of making the best use of these expensive laboratory tests.

Minimum Level (ML) – A minimum level at which the analytical system shall give recognizable mass spectra (background corrected) and acceptable calibration points. See 40 CFR Part 136. (OW/EAD) (ORCR)

Minimum Reporting Level (MRL) – The minimum concentration that can be reported as a quantitated value for a target analyte in a sample following analysis. This defined concentration can be no lower than the concentration of the lowest calibration standard for that analyte, and can only be used if acceptable quality control criteria for the analyte at this concentration are met. (ORD) (OW/EAD) (OPP) (OW/TSC) (ORCR)

Reporting Limit – (1) The minimum value below which data are documented as non-detects. (OW/TSC) (OECA) (ORCR) (2) The minimum value of the calibration range. Analyte detections between the detection limit and the reporting limit are reported as having estimated concentrations. (ORD) (ORCR)

http://www.epa.gov/fem/pdfs/Env_Measurement_Glossary_Final_Jan_2010.pdf

cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). Upon a finding that an industrial user meeting above the criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

30. "Uncertainty ratio" means a factor applied to pollutant reduction credits generated by nonpoint sources that accounts for lack of information and risk associated with best management practice measurement, implementation and performance.

31. "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.

32. "24-hour composite" sample means a combination of at least eight (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.

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Attachment A

Including Days of Zero Discharge in the Calculation of Seasonal Average TP and Ammonia Load

If the permittee's daily average effluent flow is zero for at least three days during the seasons during which seasonal average effluent limits apply, the permittee may include zero pounds per day daily discharge values in the calculation of the permittee's seasonal average total phosphorus (TP) and total ammonia loads. The number of zero pound per day daily discharge values included in the calculation of the permittee's seasonal average phosphorus and ammonia loads must not exceed the number listed in Table A-1 below.

The number of zeros allowed for averaging is equal to the required sampling frequency of three times per week (0.429 samples per day), multiplied by the number of days of zero discharge, and rounded down to the nearest whole number.

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Table A-1: Number of Zero lb/day Daily Discharge Values Allowed for Calculation of Seasonal Avg. Load

Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.
1	0	60	25	119	51	178	76	237	101
2	0	61	26	120	51	179	76	238	102
3	1	62	26	121	51	180	77	239	102
4	1	63	27	122	52	181	77	240	102
5	2	64	27	123	52	182	78	241	103
6	2	65	27	124	53	183	78	242	103
7	3	66	28	125	53	184	78	243	104
8	3	67	28	126	54	185	79	244	104
9	3	68	29	127	54	186	79	245	105
10	4	69	29	128	54	187	80	246	105
11	4	70	30	129	55	188	80	247	105
12	5	71	30	130	55	189	81	248	106
13	5	72	30	131	56	190	81	249	106
14	6	73	31	132	56	191	81	250	107
15	6	74	31	133	57	192	82	251	107
16	6	75	32	134	57	193	82	252	108
17	7	76	32	135	57	194	83	253	108
18	7	77	33	136	58	195	83	254	108
19	8	78	33	137	58	196	84	255	109
20	8	79	33	138	59	197	84	256	109
21	9	80	34	139	59	198	84	257	110
22	9	81	34	140	60	199	85	258	110
23	9	82	35	141	60	200	85	259	111
24	10	83	35	142	60	201	86	260	111
25	10	84	36	143	61	202	86	261	111
26	11	85	36	144	61	203	87	262	112
27	11	86	36	145	62	204	87	263	112
28	12	87	37	146	62	205	87	264	113
29	12	88	37	147	63	206	88	265	113
30	12	89	38	148	63	207	88	266	114
31	13	90	38	149	63	208	89	267	114
32	13	91	39	150	64	209	89	268	114
33	14	92	39	151	64	210	90	269	115
34	14	93	39	152	65	211	90	270	115
35	15	94	40	153	65	212	90	271	116
36	15	95	40	154	66	213	91	272	116
37	15	96	41	155	66	214	91	273	117
38	16	97	41	156	66	215	92		
39	16	98	42	157	67	216	92		
40	17	99	42	158	67	217	93		
41	17	100	42	159	68	218	93		
42	18	101	43	160	68	219	93		
43	18	102	43	161	69	220	94		
44	18	103	44	162	69	221	94		
45	19	104	44	163	69	222	95		
46	19	105	45	164	70	223	95		
47	20	106	45	165	70	224	96		
48	20	107	45	166	71	225	96		
49	21	108	46	167	71	226	96		
50	21	109	46	168	72	227	97		
51	21	110	47	169	72	228	97		
52	22	111	47	170	72	229	98		
53	22	112	48	171	73	230	98		
54	23	113	48	172	73	231	99		
55	23	114	48	173	74	232	99		
56	24	115	49	174	74	233	99		
57	24	116	49	175	75	234	100		
58	24	117	50	176	75	235	100		
59	25	118	50	177	75	236	101		

Page 6: [1] Comment [BN15]	Brian Nickel	12/20/2012 11:54:00 AM

We can consider concentration limits. I agree with Pat that, under some circumstances, chronic criteria would not be met at the edge of a 2.5% mixing zone.

However, the limits are consistent with 40 CFR 122.45(b)(1), which requires that effluent limits for POTWs be calculated based on design flow. Also, arguably, the limits are consistent with the recommendation in the TSD (Section 5.7.1) that a combination of mass and concentration limits be required if there is less than 100-fold dilution, although it is the complete-mix dilution factor that is greater than 100:1 in this case as opposed to the dilution achieved at the edge of the mixing zone (See the fact sheet at Appendix B, Table 8).

Finally, it is worth noting that a 2.5% acute mixing zone is very unusual in Idaho. Idaho's mixing zone provisions have no bright-line restrictions on acute mixing zones or zones of initial dilution, other than requiring them to be "inside" (i.e., smaller than) the chronic mixing zone. Typically, in Idaho, acute mixing zones are 25% of the 1Q10 river flow.

Page 6: [2] Comment [BN17]	Brian Nickel	12/20/2012 11:56:00 AM

There is no relationship between the average monthly and seasonal average NH3 limits. They have different bases. The average monthly and maximum daily limits are based on numeric criteria (i.e. toxicity) and the seasonal average limits are based on the modeled DO impact.

Page 10: [3] Comment [P28]	PHAL461	12/11/2012 2:34:00 PM

Spokane River Metals TMDL required effluent limits as the more stringent of:

1. WQ based limits based on end-of-pipe hardness, or
2. Limits based on past performance.

It looks like the lead limit was based on end-of-pipe hardness and the 1999 flowrates. So, the lead concentration limit should be similar to the WA discharger limits. For cadmium, the fact sheet references Idaho's 401 certification, and I'm not sure how they calculated these limits.

Page 10: [4] Comment [BN29]	Brian Nickel	12/20/2012 12:05:00 PM

In short, the Cd limits are performance-based. They were calculated based on current performance for concentration combined with the design flows of the POTWs at the time the 1999 permits were issued. The intent was to not authorize more loading of Cd than was tacitly authorized by the 1999 permits (which did not have effluent limits).

The lead limits were also specified in the 401 cert but are identical to the loading limits in the 1999 permit. Pat is correct that those limits applied criteria at the end-of-pipe, with effluent hardness, and loading was calculated based on design flow.

The lead limits specified in the 401 certs for HARSB and Post Falls were calculated in the same way as the cadmium limits in this permit.

Field Code Changed

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",

City of Coeur d'Alene
Wastewater Facility
710 Mullan Avenue
Coeur d'Alene, ID 83814

is authorized to discharge from the wastewater facility located in Post Falls, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Spokane River	47° 40' 56"	116° 47' 47"

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

This permit shall become effective

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

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

Draft
Daniel D. Opalski, Director
Office of Water and Watersheds

Draft

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 on or before the 10th day of the month following the monitoring month (see III.B).
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and the Idaho Department of Environmental Quality (IDEQ) with written notification that the Plan has been developed and implemented within 180 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.
3. Operation and Maintenance (O&M) Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.A). The Plan must be kept on site and made available to EPA and IDEQ upon request.
4. Phosphorus Management Plan	The permittee must provide written notice to EPA and IDEQ that the plan has been developed within 1 year after the effective date of the final permit and implemented within 18 months of the effective date of the final permit (see II.B).
5. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B).
6. Surface Water Monitoring Report	The report must be submitted to EPA and IDEQ annually by January 31st of the following year.
7. Compliance Schedule	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 (see I.C, I.D, and III.J).
8. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances. (See I.B.2 and III.G).
9. Emergency Response and Public Notification Plan	The permittee must develop and implement an overflow emergency response and public notification plan. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented within 180 days of the effective date of the final permit (see II.D).
10. Annual Pretreatment Report	The Report must be submitted to the pretreatment coordinator no later than January 31st of each calendar year. (See II.E.10).

Field Code Changed

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I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 001 to the Spokane River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

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

Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Flow	mgd	Report	—	Report	Effluent	Continuous	Recording
Five-day carbonaceous biochemical oxygen demand ($CBOD_5$) November – January	mg/L	25	40	—	Influent and Effluent	1/week	24-Hour Composite
	lb/day	1251	2002	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
$CBOD_5$ February – March	mg/L	25	40	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	295	472	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
$CBOD_5$ April – October	mg/L	25	40	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	265	424	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
Total Suspended Solids	mg/L	30	45	—	Influent and Effluent	1/week	24-Hr. Comp.
	lb/day	1501	2252	—			Calculation[2]
	% removal	85% (min.)	—	—	% removal	1/month	Calculation[3]
pH October – June	s.u.	6.3 – 9.0 at all times			Effluent	5/week	Grab
pH July – September	s.u.	6.5 – 9.0 at all times			Effluent	5/week	Grab
E. coli	#/100 ml	126[4] (geometric mean)	—	406 (inst. max.)	Effluent	5/month	Grab
Total Residual Chlorine October – June	µg/L	150	—	390	Effluent	1/day	Grab
	lb/day	7.5	—	20			Calculation[2]
Total Residual Chlorine	µg/L	39	—	102	Effluent	3/day	Grab

Comment [djm1]: Design flows should be added to the table.

Comment [BN2]: I'm not sure exactly what is being requested. Are you requesting that we establish effluent limits for flow, or just identify the flow rates that were used to calculate limits?

We generally do not limit the effluent flow from POTWs, however, we do establish mass limits for pollutants that can be properly expressed in terms of mass (i.e., most pollutants except pH, temperature, and bacteria).

However, I see no problem with adding a footnote to the table that simply identifies the flow rates that were used to calculate limits.

Comment [djm3]: The WA permits contain seasonal average values for March to October (based on the model inputs). Is this appropriate / acceptable for us to only express CBOD as an AML and AWL?

Comment [MK4]: There is language in the fact sheet that explains why CBOD was expressed as AML/AWL (Pg B-13) based on 40 CFR 122.45. The mass loading here correlates with concentration in Table 2 from LimnoTech memo @ 7.6MGD. I agree that we should discuss the approach. Same comment for CBOD April-Oct

Comment [P5]: We need a seasonal average permit limit for CBOD, consistent with the TMDL modeling, and similar to the total phosphorus and ammonia limits. This will provide a direct comparison to verify the facility is complying with the TMDL requirements.

Comment [BN6]: As stated in Ellie's comment, the fact sheets explain, in Appendix B, how the monthly and weekly mass limits for CBOD (and NH3 for HARSB and Post Falls) were derived from the model inputs. When drafting the permits we considered expressing the CBOD and NH3 limits as seasonal averages, but, in most cases, we decided this would not comply with 40 CFR 122.45(d)(2).

Comment [DW7]: It is not clear from the factsheet how this is calculated. Please provide support in the fact sheet.

Comment [BN8]: pH effluent limit calculations are provided in Appendix F to the fact sheet. This limit is based on meeting Idaho's minimum pH criterion (6.5 standard units) at the edge of a mixing zone encompassing 25% of the 1Q10 flow of the river.

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Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
July – September	lb/day	2.0	—	5.1			Calculation[2]
Total Ammonia as N[1] March – June	mg/L	Report	—	Report	Effluent	3/week	24-Hr. Comp.
	lb/day	649	—	1547			Calculation[2]
Total Ammonia as N[1] July – September	mg/L	6.59	—	15.7	Effluent	3/week	24-Hr. Comp.
	lb/day	330	—	786			Calculation[2]
Total Ammonia as N October	mg/L	Report	—	Report	Effluent	3/week	24-Hr. Comp.
	lb/day	525	—	1252			Calculation[2]
Total Ammonia as N[1] March – October	lb/day	Seasonal Average Limit: 272 lb/day. See I.B.10			Effluent	3/week	24-Hr. Comp.
Total Ammonia as N[1] November – February	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Total Phosphorus as P[1] February – October	µg/L	Report	Report	—	Effluent	3/week	24-Hr. Comp.
	lb/day	Report	Report	—			Calculation[2]
	lb/day	Seasonal Average Limit: 3.17 lb/day. See I.B.10					
Total Phosphorus as P November – January	µg/L	Report	Report	—	Effluent	1/week	24-Hr. Comp.
Silver October – June Effluent Flow > 4.2 mgd	µg/L	8.01	—	22.5	Effluent	1/month	24-Hr. Comp.
	lb/day	0.401	—	1.13			Calculation[2]
Cadmium	µg/L	Report	Report	—	Effluent	1/month	24-Hr. Comp.
	lb/day	See I.C.					Calculation[2]
Lead	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
	lb/day	See I.C.					Calculation[2]
Zinc	µg/L	135	—	168	Effluent	1/month	24-Hr. Comp.
	lb/day	6.76	—	8.42			Calculation[2]
Temperature	°C	Report	—	Report	Effluent	5/week	Grab
Cadmium	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Copper	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Silver July – September and October – June when effluent flow is ≤ 4.2 mgd	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Alkalinity	mg/L as $CaCO_3$	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Hardness	mg/L as $CaCO_3$	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Oil and Grease	mg/L	Report	—	Report	Effluent	1/quarter	Grab
Total Dissolved Solids	mg/L	Report	—	Report	Effluent	1/quarter	24-Hr. Comp.
Polychlorinated Biphenyl (PCB) Congeners[5]	pg/L	Report	—	Report	Influent	1/2 months	24-Hr. Comp.
PCB Congeners[5]	pg/L	Report	—	Report	Effluent	1/quarter	24-Hr. Comp.
2,3,7,8 tetrachloro-dibenzo-p-dioxin (TCDD)[6]	pg/L	Report	—	Report	Influent and Effluent	1/quarter	24-Hr. Comp.
Orthophosphate as P	µg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Total Kjeldahl Nitrogen	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.
Nitrate – Nitrite as N	mg/L	Report	—	Report	Effluent	1/month	24-Hr. Comp.

Comment [DW9]: Need to fix the formatting. It is hard to understand this.

Comment [BN10]: I will make sure none of the rows of the table are split across pages.

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Comment [MK11]: The AML MDL based on ID WQ Stds, seasonal avg based on TMDL… I don't buy the approach – there are too many other NH_3 limits that exceed the seasonal mass loading.

Comment [djm12]: These numbers were not modeled (only the seasonal average limit was below). How can we ensure these AML and MDL, in conjunction with the seasonal average limit, are meeting the assumptions of the TMDL?

Comment [BN13]: This is also a response to Ellie's comment, above. The average monthly and average weekly limits are, in fact, calculated on Idaho's numeric ammonia criteria. However, there is also a seasonal average NH3 limit, which is identical to the model input. So, the modeling is, in fact, represented as an effluent limit.

This was a compromise I arrived at with the City. They wanted a seasonal average limit (exclusively); I told them that I could only accept a seasonal average limit if I could demonstrate that there was no toxicity issue. Thus, I established shorter-term limits based on toxicity.

This is not unlike the Spokane County permit which has seasonal average NH3 limits based on modeling and additional maximum daily limits (which are much higher than the seasonal average limits).

Comment [P14]: EPA derived these mass limits based on meeting receiving water quality criteria. EPA needs to express these limits as concentrations, not loading. This will prevent exceeding receiving water criteria that may occur at lower effluent flows (<6 mgd) and higher ammonia concentrations.

Comment [BN15]: We can consider concentration limits. I agree with Pat that, under some circumstances, chronic criteria would not be met at the edge of a 2.5% mixing zone.

However, the limits are consistent with 40 CFR 122.45(b)(1), which requires that effluent limits for POTWs be calculated based on design flow. Also, arguably, the limits are consistent with the recommendation in the TSD (Section 5.7.1) that a combination of mass and concentration limits be required if there is less than 100-fold dilution ... [1]

Comment [DW16]: This Seasonal average limit is less than the monthly average limit. How will they statistically hit the season limit (TMDL requirement) if they meet the AML?

Comment [BN17]: There is no relationship between the average monthly and seasonal average NH3 limits. They have different bases. The average monthly and maximum daily limits are based ... [2]

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Comment [MK18]: Meets WLA

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Table 1: Final Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Dissolved Oxygen	mg/L	Report minimum and average			Effluent	1/month	Grab
NPDES Application Form 2A Effluent Testing	See I.B.10				Effluent	3x/5years	—
Whole Effluent Toxicity	TU_c	See I.C.			Effluent	2/year	24-Hr. Comp.

Notes:
1. These effluent limits are subject to a compliance schedule. See I.C and I.D.
2. Loading is calculated by multiplying the concentration in mg/L by the corresponding flow (in mgd) for the day of sampling and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the *NPDES Self-Monitoring System User Guide* (EPA 833-B-85-100, March 1985).
3. Percent removal is calculated using the following equation:
(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.
4. The average monthly E. coli bacteria counts must not exceed a geometric mean of 126/100 ml based on a minimum of five samples taken every 3-7 days within a calendar month. See Part VI for a definition of geometric mean.
5. See I.B.11.
6. See I.B.12.

2. The permittee must report within 24 hours of discovery any violation of the maximum daily or instantaneous maximum limits for the following pollutants: E. coli, total ammonia as N, zinc, and total residual chlorine. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B and III.H).
3. Effluent loading and concentration of cadmium, copper, lead, silver and zinc must be reported as total recoverable metal.
4. The permittee must not discharge floating, suspended, or submerged matter of any kind in amounts causing nuisance or objectionable conditions or that may impair designated beneficial uses of the Spokane River.
5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. Minimum Levels. For all effluent monitoring, the permittee must use methods that can achieve a minimum level (ML) less than the effluent limitation. If the effluent limit is less than the minimum level of the most sensitive EPA-approved analytical method, the permittee must use the most sensitive EPA-approved analytical method. For parameters that do not have effluent limitations, the permittee must use methods that can achieve MLs less than or equal to those specified in Table 2. If no minimum level is listed in Table 2 and the pollutant is not subject to an effluent limit, the permittee may use any EPA-approved method for analysis. For monitoring of PCBs and 2,3,7,8 TCDD, the permittee must comply with parts I.B.11 and I.B.12 of this permit.

Table 2: Maximum MLs for Pollutants Not Subject to Concentration Effluent Limitations

Parameter	Units	Maximum ML
Cadmium	µg/L	1
Nitrate – Nitrite as N	µg/L	50
Silver	µg/L	0.3
Total Ammonia as N (Feb. – Oct.)	µg/L	50
Total Kjeldahl Nitrogen	µg/L	50
Total Phosphorus	µg/L	10
PCB Congeners	pg/L	See I.B.12.
2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD)	pg/L	See I.B.13.
Mercury (expanded effluent testing)	µg/L	0.01

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}." If a value is less than the ML, the permittee must report "less than {numeric value of the ML}," except for PCBs and 2,3,7,8 TCDD. For PCBs and 2,3,7,8 TCDD, if a value is greater than the MDL, the permittee must report the actual value, even if it is less than the ML.

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

9. The permittee must perform the effluent testing required by Parts B.6. and D of NPDES application Form 2A (EPA Form 3510-2A, revised 1-99). The permittee must submit the results of this testing with its application for renewal of this NPDES permit. To the extent that effluent monitoring required by other conditions of this permit satisfies this requirement, these samples may be used to satisfy the requirements of this paragraph.

10. Seasonal average effluent limits for total phosphorus and ammonia:

    a) The seasonal average phosphorus load must not exceed 3.17 lb/day for the season of February 1st through October 31st each year, inclusive.

    b) The seasonal average ammonia load must not exceed 272 lb/day for the season of March 1st through October 31st each year, inclusive.

    c) The seasonal average phosphorus and ammonia loads must be calculated as the sum of all daily discharges measured during the seasons stated in Parts I.B.10.a and b above, divided by the number of daily discharges measured during those seasons. If the daily average effluent flow rate is zero for at least three days during the season, the permittee may include zero pound per day daily discharge values in the calculation of the seasonal average phosphorus and ammonia loads load as specified in Attachment A of this permit.

d) The seasonal average phosphorus and ammonia loads must be reported on the October DMR, regardless of whether a discharge of pollutants occurs during the month of October.

e) The permittee must report the monthly average, maximum weekly average, and maximum daily total phosphorus and ammonia loads and concentrations on the monthly DMRs as stated in Table 1.

f) In addition to the seasonal average limit for ammonia, the permittee must comply with the average monthly and maximum daily limits for ammonia in Table 1.

Comment [MK19]: Seasonal limit more stringent, so compliance with SAL would seem to mean compliance with AML/MDL

Comment [BN20]: In general I think this would be true but it depends on how variable the ammonia concentration and load are.

g) On the DMRs for February – September, inclusive, the permittee must calculate and report the partial seasonal average phosphorus load for February 1st through the last day of the monitoring month, inclusive. On the DMRs for March – September, inclusive, the permittee must calculate and report the partial seasonal average ammonia load for March 1st through the last day of the monitoring month, inclusive. The partial seasonal average phosphorus and ammonia loads must be reported every month during these seasons regardless of whether a discharge of pollutants occurs during a given month.

(i) The partial seasonal average phosphorus load must be calculated as the sum of all daily discharges measured during the season of February 1st through the last day of the monitoring month, inclusive, divided by the number of daily discharges measured during that time frame. If the daily average effluent flow rate is zero for at least three days during the season, the permittee may include zero pounds per day values in the calculation of the partial seasonal average phosphorus load as specified in Attachment A of this permit.

(ii) If the partial seasonal average phosphorus load for February 1st through the last day of the monitoring month, inclusive, is greater than 3.17 lb/day, the permittee must submit a written report with the DMR, explaining the steps that the permittee will take to reduce its discharge of total phosphorus in order to achieve compliance with the seasonal average effluent limit by October 31st.

(iii) The partial seasonal average ammonia load must be calculated as the sum of all daily discharges measured during the season of March 1st through the last day of the monitoring month, inclusive, divided by the number of daily discharges measured during that time frame. If the daily average effluent flow rate is zero for at least three days during the season, the permittee may include zero pounds per day values in the calculation of the partial seasonal average phosphorus load as specified in Attachment A of this permit.

(iv) If the partial seasonal average ammonia load for February 1st through the last day of the monitoring month, inclusive, is greater 272 lb/day, the permittee must submit a written report with the DMR, explaining the steps that the permittee will take to reduce its discharge of total

phosphorus in order to achieve compliance with the seasonal average effluent limit by October 31st.

11. The permittee must analyze influent and effluent samples for polychlorinated biphenyl (PCB) congeners and report the results as specified below.
    a) For the first four influent and effluent samples for PCB congeners, the permittee must use EPA Method 1668 for analysis.
    b) If at least one of the first four influent or effluent samples contains less than 5.0 nanograms per liter total PCBs, the permittee must continue to use EPA method 1668 for subsequent analysis of PCB congeners at such location(s).
    c) If all of the first four influent or effluent samples contain at least 5.0 nanograms per liter total PCBs, the permittee may use either EPA Method 8082 or 1668 for analysis of PCB congeners in subsequent samples at the location(s) where concentrations were always greater than or equal to 5.0 nanograms per liter in the first four samples.
    d) For any analysis of influent or effluent total PCBs using EPA Method 8082, the permittee must target an ML no greater than 5.0 nanograms per liter and must, at a minimum, analyze for each of the individual congeners listed in Section 1.1 of the method.
    e) For any analysis of influent or effluent PCB congeners using EPA Method 1668, the permittee must target an MDL no greater than 10 picograms per liter and must analyze for each of the 209 individual congeners.
    f) The permittee must report results on the DMRs as total PCBs. The permittee must submit the laboratory results of the congener analysis with the DMRs.
12. For analysis of influent and effluent samples for 2,3,7,8 TCDD, the permittee must use EPA Method 1613B and must target an ML no greater than 10 picograms per liter.

C. Effluent Limits for Cadmium, Lead, and Zinc

The permittee must comply with the more stringent of the effluent limits for cadmium and lead specified below.

Table 3: Cadmium and Lead Effluent Limits Based on the State of Idaho's Clean Water Act Section 401 Certification

Parameter	Units	Effluent limits		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit[2]
Cadmium	lb/day[1]	0.0075	0.0094	—
Lead	lb/day[1]	0.13	—	0.29

Notes:
1. See I.C.1.
2. See I.B.2.

Comment [AB21]: See comment in Part VI.

Also "MDL" acronym has two meanings. Maybe clear to permit experts but wasn't clear as far as a general reader goes.

Comment [AB22]: Add definitions for ML and MDL as these are used differently by different entities. We want to standardize how data is described/understood to the extent possible.

Am assuming these come from this document: http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Permits+Homepage/$FILE/ML-MDL-Policy-4-25-05.pdf

Comment [BN23]: The terms "method detection limit" (ML) and "minimum level" (ML) are defined in the permit. See Part VI.

Comment [AB24]: What constitutes a "Total PCB"? The sum of the congeners? Is that greater than ML or MDL? Per each congener? It is important to define at what level a PCB congener becomes reported and summed. The totals can vary depending on how the low levels are summed.

Comment [BN25]: I assumed it would be the sum of all PCB congeners measured at concentrations at or above the minimum level or reporting level. Note that "Total PCBs" is strictly for reporting on the DMR form itself; the next sentence requires submission of the complete lab results for individual congeners. I could add language clarifying how "total PCBs" is defined.

Comment [AB26]: See comment in Part VI. The goal is to have some clarity in terms with respect to reporting the laboratory PCB data. There are a number of different terms for similar concepts but the terms have subtle differences. Laboratories are not consistent in their reports. We are looking at standardizing this for the Task Force so we compare apples with apples when it comes to analytical data for the region. One thing that we hope to establish is an SOP for reporting environmental data so it would be good to have 1) flexibility in the permit to so the permittee can use an SOP once it is developed and 2) consistency in terms. I have provided a link to the most recent reference I have on this from EPA. I have not consulted with the analytical experts here at Ecology.

Comment [djm27]: For Pat, are these limits in fact more stringent than for WA dischargers based on the Spokane metals TMDL?

Comment [P28]: Spokane River Metals TMDL required effluent limits as the more stringent of:
1. WQ based limits based on end-of-pipe hardness, or
2. Limits based on past performance.

It looks like the lead limit was based on end-of-pipe hardness and the 1999 flowrates. So, the lead concentration limit should be similar to the W ... [3]

Comment [BN29]: In short, the Cd limits are performance-based. They were calculated based on current performance for concentration combined with the design flows of the POTWs at the time the 1999 permits were issued. The intent was to not authorize more loading of Cd than was tacitly ... [4]

Table 4: Cadmium and Lead Effluent Limits Based on the Clean Water Act and Federal Regulations

Parameter	Units	Effluent limits		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit
Cadmium	lb/day	Report	Report	—
Lead	lb/day	Report	—	Report

1. Offset Plan for cadmium and lead loading limits based on the State of Idaho's Clean Water Act Section 401 Certification: The permittee may demonstrate compliance with the loading (lb/day) limits for cadmium and lead that are based on the State of Idaho's Clean Water Act Section 401 Certification in Table 3, above, by subtracting the loading of cadmium and/or lead reduced through an offset plan that is approved by IDEQ when reporting the cadmium and/or lead loading on monthly DMRs.
   a) The offset plan may not be utilized to demonstrate compliance with any of the effluent limits in Table 1, above.
   b) The offset plan may not be utilized to adjust the reported loading or concentration of cadmium or lead for the purposes of Tables 1 and 4, above.
   c) Prior to using offsets to demonstrate compliance with the cadmium and/or lead loading limits in Table 3, the permittee must submit the following documents to EPA:
      (i) The offset plan.
      (ii) Written documentation of IDEQ's approval of the offset plan
      (iii) A written certification that the offset plan has been implemented.
   d) The offset plan must demonstrate that any increased loading of cadmium and/or lead in excess of the effluent loading limits in Table 3, above, will be offset by other actions or projects in the watershed.

D. Schedules of Compliance

1. The permittee must comply with all effluent limitations and monitoring requirements in Part I.B beginning on the effective date of this permit, except those for which a compliance schedule is specified in Part I.C.2.
2. A schedule of compliance is authorized only for the following effluent limitations:
   a) Total phosphorus effluent limits in effect during February – October.
   b) All average monthly and maximum daily effluent limitations on total ammonia as N in effect during March – September.
   c) The seasonal average effluent limit for total ammonia as N in effect during March – October.

Comment [DW30]: Is this based on the extended limits modeling conditions? If so, please state.

Comment [BN31]: Yes, the TP limits apply from Feb.-Oct. because this was part of the Idaho dischargers proposal for alternative limits, which we (and Ecology) accepted as being "equivalent" to the TMDL. I can state that this is a use of the extended season "tool" if that would be helpful.

3. The permittee must achieve compliance with the final effluent limitations for total phosphorus and total ammonia as N as set forth in Part I.B (Table 1) of this permit not later than ten (10) years after the effective date of the final permit.
4. While the schedules of compliance specified in Part I.D.2 of this permit are in effect, the permittee must complete interim requirements and meet interim effluent limits and monitoring requirements as specified in Part I.E of this permit.

E. Interim Requirements for Schedules of Compliance

Comment [DW32]: Are you providing dischargers with delta elimination opportunities i.e. TMDL toolbox tools such as state equivalence, dynamic equivalence, bubble permits, extended season limits…

Comment [BN33]: Yes, we will provide these opportunities. We had implemented this in the permit using the "Causes for Modification" condition (see the permit at Part II.F.). I will take a look at that section to see if I need to change any language to make it more consistent with the terms that are being used by the TMDL implementation workgroup.

1. By one (1) year after the effective date of the final permit, the permittee must provide a preliminary engineering report to EPA and IDEQ outlining estimated costs and schedules for completing capacity expansion and implementation of technologies to achieve final effluent limitations. This schedule must include a timeline for full scale pilot testing and results of any testing conducted to date.
2. By three (3) years after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that full scale pilot testing of the technology that will be employed to achieve the final limits has been completed and must submit a summary report of results and plan for implementation.
3. By five (5) years after the effective date of the final permit, the permittee must provide EPA and IDEQ with written notice that design has been completed and bids have been awarded to begin construction to achieve final effluent limitations.
4. By eight (8) years after the effective date of the final permit, the permittee must provide EPA and DEQ with written notice that construction has been completed on the facilities to achieve final effluent limitations.
5. By ten (10) years after the effective date of the final permit, the permittee must provide EPA and DEQ with a written report providing details of a completed start up and optimization phase of the new treatment system and must achieve compliance with the final effluent limitations of Part I.B. The report shall include two years of effluent data demonstrating that final effluent limits can be achieved (the two years of data do not have to consistently meet final effluent limits but demonstrate that at the end of this period final limits can be met).
6. By years six (6), seven (7), and eight (8) after the effective date of the final permit, the permittee must submit to EPA and IDEQ progress reports, which outline the progress made toward achieving compliance with the total phosphorus and total ammonia as N effluent limitations. At a minimum, the reports must include:
   a) An assessment of the previous year of effluent data and comparison to the interim and final effluent limitations.
   b) A report on progress made toward meeting the final effluent limits.
   c) Further actions and milestones targeted for the upcoming year.
7. While the schedules of compliance specified in Part I.D.2 are in effect, the permittee must comply with interim effluent limitations and monitoring requirements as specified in Table 5, below.

Table 5: Interim Effluent Limits and Monitoring Requirements for Outfall 001

Parameter	Units	Effluent limits			Monitoring Requirements		
		Average Monthly Limit	Average Weekly Limit	Max. Daily Limit	Location	Frequency	Sample Type
Total Ammonia as N March – June	mg/L	Report	Report	—	Effluent	1/week	24-Hr. Comp.
Total Ammonia as N July – September, effluent flow ≤ 4.2 mgd	mg/L	10	—	29	Effluent	1/week	24-Hr. Comp.
	lb/day	350	—	1,000			Calculation
Total Ammonia as N July – September, effluent flow > 4.2 mgd	mg/L	7.4	—	21	Effluent	1/week	24-Hr. Comp.
	lb/day	370	—	1,100			Calculation
Total Phosphorus as P February – October	mg/L	1.0	1.6	—	Influent and Effluent	3/week	24-Hr. Comp.
	lb/day	50	80	—			Calculation

F. 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, a split of each sample collected must be analyzed for those chemical and physical parameters required in Part I.B above with a required sampling frequency of monthly or more frequently. When the timing of sample collection coincides with that of the sampling required in Part I.B, analysis of the split sample will fulfill the requirements of Part I.B as well.

2. Chronic Test Species and Methods

   a) For outfall 001, chronic tests must be conducted twice per year, once during the period from October 1 through June 30, and once during the period from July 1 through September 30.

   b) The permittee must conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test), and a green alga, *Selenastrum capricornutum* (growth test) for the first three suites of tests. After this screening period, monitoring must be conducted using the most sensitive species.

   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.

   Field Code Changed

   d) Results must be reported in TU_c (chronic toxic units), which is defined as follows:

   Field Code Changed

      (i) For survival endpoints, $TU_c = 100/NOEC$.

      (ii) For all other test endpoints, $TUc = 100/IC_{25}$.

(iii) IC_{25} means "25% inhibition concentration." The IC_{25} is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

(iv) NOEC means "no observed effect concentration." The NOEC is the highest concentration of toxicant, expressed in percent effluent, to which organisms are exposed in a chronic toxicity test [full life-cycle or partial life-cycle (short term) test], that causes no observable adverse effects on the test organisms (i.e., the highest concentration of effluent in which the values for the observed responses are not statistically significantly different from the controls).

3. Quality Assurance

a) 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, two dilutions above the RWC, and two dilutions below the RWC. The RWCs are:

(i) 6.9% effluent for July 1 through September 30

(ii) 3.5% effluent for October 1 through June 30.

b) 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.

Field Code Changed

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

Field Code Changed

(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 of 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 of 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 shall

water that has not met test acceptability criteria be used for either dilution or control.

4. Reporting

   a) The permittee must submit the results of the toxicity tests with the discharge monitoring reports (DMRs). Toxicity tests taken from October 1st through June 30th must be reported on the August DMR. Toxicity tests taken from July 1st through September 30th must be reported on the November DMR.

   b) The report of toxicity test results must include all relevant information outlined in Section 10, Report Preparation, of *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. In addition to toxicity test results, the permittee must report: Dates of sample collection and initiation of each test; effluent flow rate at the time of sample collection; and the results of the monitoring required in Part I.B of this permit, for parameters with a required monitoring frequency of once per month or more frequently.

Field Code Changed

5. Preparation of initial investigation toxicity reduction evaluation (TRE) plan: Prior to initiation of the toxicity testing required by this permit, the permittee shall submit to EPA a copy of the permittee's initial investigation TRE workplan. This plan shall describe the steps the permittee intends to follow in the event chronic toxicity is detected at levels greater than the triggers in Part I.E.6, and should include at a minimum:

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

   b) A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and

   c) If a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).

6. Accelerated testing

   a) The chronic toxicity triggers are:

      (i) 14.5 TU_c for July 1 – September 30.

      (ii) 28.7 TU_c for October 1 – June 30.

   b) If chronic toxicity is detected above the triggers in Part I.F.6.a, the permittee must implement the initial investigation TRE workplan. If implementation of the initial investigation TRE workplan indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary.

   c) If chronic toxicity is detected above the triggers in Part I.F.6.a in the test required under Part I.F.6.b, above, then the permittee shall conduct six more tests, bi-weekly (every two weeks), over a twelve-week period. Testing shall

commence within two weeks of receipt of the sample results of the exceedance.

7. Toxicity Reduction Evaluation (TRE)

   a) If chronic toxicity is detected above the triggers in Part I.F.6.a in any of the six additional tests required under Part I.F.6.c, then, in accordance with the permittee's initial investigation TRE workplan and EPA manual EPA 833-B-99-002 (*Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants*), the permittee shall initiate a TRE within fifteen (15) days of receipt of the sample results of the exceedance. The permittee will develop as expeditiously as possible a more detailed TRE workplan, which includes:

      (i) Further actions to investigate and identify the cause of toxicity;

      (ii) Actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

      (iii) A schedule for these actions.

   b) The permittee may initiate a TIE as part of the overall TRE process described in the EPA acute and chronic TIE manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).

   c) If none of the six tests required under Part I.F.6.c. above indicated toxicity, then the permittee may return to the normal testing frequency.

   d) If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated or used as necessary in performing the TIE.

G. Surface Water Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start within 180 days after the effective date of the permit and continue as long as this permit remains in force. The program must meet the following requirements:

1. Monitoring stations must be established in the Spokane River at the following locations:

   a) Spokane River upstream of the City of Coeur d'Alene outfall.

   b) Spokane River downstream of the City of Coeur d'Alene outfall and upstream of the Hayden Area Regional Sewer Board outfall.

2. Monitoring locations for PCBs may be different from the monitoring locations for other parameters as long as such PCB monitoring locations fit the descriptions in Part I.G.1.

3. The permittee must seek approval of the surface water monitoring stations from IDEQ prior to initiating surface water monitoring.

4. 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.

5. All ambient samples must be grab samples.

Comment [AB34]: If the purpose of this monitoring is to establish a PCB loading then the concentrations may not have meaning without river flow data. Ideally the PCB measurement should result in a concentration (mass/volume) that is associated with a flow rate (vol/time) so that (mass/time) is identified.

Comment [DW35]: I agree with the above statement. River flow data should be collected at the same time as the sampling is completed.

Comment [BN36]: River flow is measured continuously by the USGS at the Post Falls Dam. We can pair up the measured concentrations with the USGS flows for the days of sampling. http://waterdata.usgs.gov/id/nwis/dv/?site_no=12419000&agency_cd=USGS&referred_module=sw

Comment [AB37]: Because the river is interconnected with the aquifer and has gaining/losing reaches, then the location of the sampling should coincide geographically with the flow measuring device.

One of the criticisms of the manner in which Ecology did the loading calculations for PCB was the way in which the measured concentrations were used based on the location and nature of the flow measurement. One can get widely differing PCB loads by varying how the flow is included in the calculation.

We can eliminate some uncertainty in the load assessment by pairing the sampling and flow data both in time and geography. This precision, however would limit the load assessment calculation to just that time and just that location.

6. Samples must be analyzed for the parameters listed in Table 6, and must achieve minimum levels (MLs) that are equivalent to or less than those listed in Table 6. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If no maximum ML is listed in Table 6 for a particular pollutant, the permittee may use any EPA-approved method for analysis.
7. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Part II.D, "Quality Assurance Plan".
8. The permittee must submit surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and IDEQ by January 31st of the following year. At a minimum, the annual 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.
9. Any receiving water sampling for PCBs performed by or for the Spokane River Regional Toxics Task Force that otherwise meets the receiving water PCB sampling requirements of this permit may be used to fulfill such requirements.

Comment [DW38]: Please consider allowing us to review these and provide feedback. It would be very good to have this data be comparable with WA data

Comment [BN39]: I don't know if we can do that or not but I will check with our legal and compliance units.

Table 6: Surface Water Monitoring Requirements

Parameter (units)	Sample Locations	Sample Frequency	Sample Type	Maximum ML
$CBOD_5$	Upstream and Downstream	8/year[1]	Grab	---
Total Ammonia as N (mg/L)	Upstream and Downstream	8/year[1]	Grab	0.05 mg/L
pH (standard units)	Upstream and Downstream	8/year[1]	Grab	---
Nitrate + Nitrite as N (mg/L)	Upstream and Downstream	8/year[1]	Grab	0.1 mg/L
Total Phosphorus as P (µg/L)	Upstream and Downstream	8/year[1]	Grab	5 µg/L
Orthophosphate as P (µg/L)	Upstream and Downstream	8/year[1]	Grab	5 µg/L
Dissolved Oxygen (mg/L)	Upstream and Downstream	8/year[1]	Grab	---
Chlorophyll a	Upstream and Downstream	8/year[1]	Grab	---
PCB Congeners	Upstream and Downstream	2/year[2]	Grab	Note 3

Notes:
1. The permittee must sample the receiving water at least twice per month during the months of July, August, September, and October.
2. The permittee must sample the receiving water at least once during the season of April 1 – June 30 and at least once during the season of July 1 – October 31.
3. The permittee must use EPA Method 1668 for analysis of receiving water samples for PCBs, must target an MDL no greater than 10 pg/L, and must analyze for each of the 209 individual congeners.

Comment [AB40]: Per congener?

Comment [BN41]: Yes, that was the intent and I can clarify that.

II. Special Conditions

A. Operation and Maintenance Plan

In addition to the requirements specified in Section IV.E of this permit (Proper Operation and Maintenance), the permittee must develop an operations and maintenance (O&M) plan for the current wastewater treatment facility and provide written notice to EPA and IDEQ that the O&M plan has been developed and implemented within 180 days of the effective date of this permit. Any existing operation and maintenance plans may be modified for compliance with this section. The plan must include any operational changes necessary to minimize the effluent loading of total phosphorus as required by II.C.3.(a), below. The plan must be retained on site and made available on request to EPA and IDEQ. Any changes occurring in the operation of the plant shall be reflected within the Operation and Maintenance plan.

B. Phosphorus Management Plan

The permittee must submit to EPA and IDEQ a phosphorus management plan for the facility within 1 year of the effective date of this permit. The information obtained in compliance with Parts II.B.1-5 must be recorded and retained by the permittee within the phosphorus management plan. The permittee must provide written notice to EPA and IDEQ that it has implemented the phosphorus management plan within 18 months of the effective date of the final permit. The phosphorus management plan must meet the requirements below.

1. The permittee must compile influent and effluent phosphorus data for the wastewater treatment plant.
2. The permittee must evaluate the wastewater treatment plant's phosphorus reduction potential.
   a) The permittee must compare its effluent phosphorus concentrations against typical values for wastewater treatment plants utilizing similar treatment technology.
   b) If the effluent phosphorus concentrations are higher than typical levels, the permittee must investigate the cause of the high phosphorus concentrations and take steps to reduce phosphorus concentrations.
3. The permittee must identify phosphorus reduction goals for the wastewater treatment plant.
   a) The effluent phosphorus reduction goals must be consistent with interim or final phosphorus effluent limits, as appropriate, or with typical values for the type of treatment process employed by the wastewater treatment plant, whichever results in the lower effluent phosphorus concentrations or greater reductions in total phosphorus.
   b) Effluent phosphorus reduction goals may change depending on whether phosphorus effluent limits are in effect and the value of the phosphorus limits, however, phosphorus reduction goals must be identified for all times.

c) The permittee must identify an influent phosphorus reduction goal.

4. The permittee must evaluate the phosphorus reduction potential of non-domestic users of the POTW.

   a) The Plan must list the non-domestic users of the treatment works which fit the following categories:

      (i) Agricultural co-ops.

      (ii) Car/truck washing facilities.

      (iii) Dairies.

      (iv) Food processing plants.

      (v) Meat packing and locker plants.

      (vi) Metal finishing facilities.

      (vii) Municipal water treatment plants that add phosphorus to drinking water.

      (viii) Nursing homes.

      (ix) Restaurants.

      (x) Schools.

      (xi) Any other non-domestic users of the POTW which contribute at least 5% of the total influent phosphorus loading to the POTW.

   b) In the Plan, the permittee must evaluate which of these non-domestic users have the greatest opportunity for reducing phosphorus.

   c) For those non-domestic users which the permittee determines to have the greatest potential to reduce phosphorus loading to the POTW, the permittee must work with non-domestic user to develop a phosphorus reduction goal.

5. The permittee must identify the phosphorus reduction strategies to be used to meet the phosphorus reduction goals. The permittee must select and describe phosphorus reduction strategies for the following four phosphorus contributors, if applicable. The permittee must note which of the four contributors listed below are included in the plan, and which were omitted. For those contributors which are omitted, the permittee must explain the omission.

   a) Non-domestic users (see II.C.4).

   b) The wastewater treatment plant.

   c) Residential or domestic users.

   d) Drinking water treatment plant.

6. For each group of phosphorus contributor in the plan (see II.B.4 and II.B.5), the permittee must consider the following phosphorus reduction strategies and list which strategy or strategies it will employ for phosphorus reduction.

a) Source reduction or prevention (e.g. process changes and water recovery for industrial users and restrictions on the sale or use of phosphate detergents for domestic users).

b) Water conservation.

c) Wastewater re-use.

d) Education (e.g. information about environmentally preferable purchasing of low or non-phosphorus products).

e) Staff training (at the WWTP and for non-domestic users).

f) Pretreatment requirements for non-domestic users (e.g. local limits).

g) Phosphorus removal at the WWTP (chemical, physical, and biological methods).

h) Ongoing monitoring.

7. The permittee must revise the phosphorus management plan within 180 days whenever:

   a) It is found to be ineffective in reaching the phosphorus reduction goals, or

   b) Changes to the treatment process that affect the phosphorus reduction potential of the treatment plant (II.C.2.) are completed.

8. The permittee must submit to EPA and IDEQ an annual report of phosphorus reductions achieved through the phosphorus management plan. The first annual report is due 2 years after the effective date of the final permit, and subsequent reports are due annually thereafter.

C. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented within 180 days of the effective date of this permit. Any existing QAPs may be modified for compliance with this section.

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(s) indicating the location of each sampling point.

c) Qualification and training of personnel.

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

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

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

D. 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 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 emergency operations.

2. The permittee must submit written notice to EPA and IDEQ that the plan has been developed and implemented by 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.

E. 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 entitled City of Coeur d'Alene Industrial Pretreatment Program (July 31, 1984), any program amendments submitted thereafter and approved by EPA, and the general pretreatment regulations (40 CFR 403, as amended at 70 FR 60134). 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 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 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. For IUs designated as significant prior to November 14, 2005, this evaluation must be conducted by October 14, 2006 [40 CFR 403.8(f)(2)(vi)].

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, on the basis of information provided to EPA, it is determined that any source contributes pollutants to the permittee's facility in violation of subsection (b), (c), or (d) of Section 307 of the Act, EPA will notify the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.

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 1 year of the effective date of this 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. The study must address phosphorus and total ammonia as N if the POTW accepts non-domestic discharges of these pollutants. Submitted results of the study must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions. The permittee need not perform the local limits evaluation if the POTW does not accept non-domestic discharges of phosphorus or ammonia.

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 140 ºF or 60 ºC 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 (BOD, 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 40 ºC (104 ºF) 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 403 through 471.

8. Sampling Requirements

a) The permittee must conduct ongoing sampling for continued local limits analysis and evaluation as described in Table 5, below. To the extent that monitoring required by other conditions of this permit satisfies the requirements of Table 5, this sampling can be used to satisfy the requirements of Table 5.

Table 5: Ongoing Pretreatment Monitoring

Pollutant	Locations	Frequency
Pollutants for which local limits were developed	Influent, Effluent, Sludge	1/quarter
Pollutants for which maximum allowable headworks loadings were calculated but no local limits were adopted	Influent, Effluent, Sludge	2/year
Organic priority pollutants	Influent	Annual

b) Sampling procedures for pretreatment monitoring: 24-hour composite samples must be used except for the following pollutants (if applicable): pH, cyanide, VOCs, total phenols, oil and grease, total petroleum hydrocarbons, sulfide, flashpoint, and temperature. When grab samples are used, at least four grab samples must be collected per sampling event.

c) Analytical methods for pretreatment monitoring: For analysis of wastewater, the permittee must use the approved methods 40 CFR 136. For analysis of sludge, the permittee must comply with 40 CFR 503.Sludge Sampling: Sludge samples must be taken as the sludge leaves the dewatering device or digesters.

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

e) 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 paragraph 9, below.

f) Cyanide sampling: Influent and effluent sampling for cyanide must be conducted as follows. At least four 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 program activities over the previous 12 months. This report must be submitted to the following address no later than November 1st of each year:

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

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

(ii) 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.

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

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

(v) 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.

(vi) 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:

(i) Date & time of the incident

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

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

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

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

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

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

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

(f) 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).

(g) 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.

(vii) Status of enforcement activities including:

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

(i) Summary of the violation(s).

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

(iii) 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.

F. Causes for Modification

1. This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon EPA's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.63 and 122.64. All requests must be in writing and must contain facts or reasons supporting the request. If a permit modification satisfies the criteria in 40 CFR 122.63 for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft modified permit must be prepared and other procedures in 40 CFR Part 124 followed.

2. New information may be a cause for modification of this permit. The permit may be modified during its term for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance. New information may include, but is not limited to, the following:

   a) Information supporting water quality trading or aggregate ("bubble") water quality-based effluent limits ("WQBELs"). Any water quality trading or aggregate WQBEL provisions included in a modified permit must ensure compliance with EPA's Water Quality Trading Policy (dated January 13, 2003), any applicable EPA trading guidance, and the IDEQ Water Quality Pollutant Trading Guidance (dated July 2010). If such provisions allow trading with pollution sources in the State of Washington, any water quality trading provisions included in a modified permit must ensure compliance with WAC 173-201A-450. Information supporting water quality trading includes, but is not limited to, the following:

      (i) Location ratios;

      (ii) Uncertainty ratios;

      (iii) Equivalency ratios;

      (iv) Available best management practices for nonpoint source reduction; and

      (v) Information regarding the effectiveness of pollutant reduction by sources that can generate trading credits.

   b) Effluent and/or receiving water quality and/or quantity data.

   c) New water quality modeling analyses, including, but not limited to, the following:

      (i) Modeling demonstrating that an alternate set of effluent limits for total phosphorus ("TP"), ammonia, and $CBOD_5$ causes an equivalent or lesser impact to dissolved oxygen in the State of Washington as the current set of limits.

(ii) Modeling incorporating new information regarding the bioavailability of TP in the permittee's effluent, including but not limited to the fraction of the TP in the permittee's effluent that is present as reactive phosphorus or orthophosphate.

3. Any modification of this permit must comply with all applicable requirements of the Clean Water Act and implementing regulations, including, but not limited to:

   a) The antibacksliding provisions of the Clean Water Act and federal regulations (CWA §§ 402(o) and 303(d)(4); 40 CFR 122.44(l)). See Part II.G of this permit regarding the application of anti-backsliding to phosphorus, ammonia and $CBOD_5$ limits.

   b) Technology-based treatment requirements (40 CFR Parts 125.3 and 133; CWA § 301(b)(1)(B))

   c) The applicable water quality requirements of all affected States (40 CFR Parts 122.4(d) and 122.44(d); CWA §§ 301(b)(1)(C) and 401(a)(2)).

   d) Any conditions included in the State of Idaho's Section 401 certification of the modified permit which are necessary to ensure compliance with the applicable provisions of CWA §§ 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of Idaho law.

G. Antibacksliding

The water quality-based effluent limits for total phosphorus (TP), total ammonia as N (NH_3) and 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) in this permit are established at levels necessary to ensure compliance with the State of Washington's water quality standards for dissolved oxygen (DO), while considering the cumulative effect of all human actions that may affect DO. In the future, the State of Washington may modify the Spokane River TMDL and/or the effluent limits in NPDES permits for point sources discharging to the Spokane River within the State of Washington. Such modifications may allow for less-stringent effluent limits for total phosphorus, ammonia and/or $CBOD_5$ in this permit, while nonetheless ensuring that the cumulative effect of all such revised effluent limitations will ensure the attainment of water quality standards for DO in the State of Washington. In that case, EPA could revise the water quality-based effluent limits for total phosphorus, ammonia and/or $CBOD_5$. Such revised effluent limits would not violate the antibacksliding provisions of the Clean Water Act if those limits would ensure compliance with all applicable water quality standards for waters of the States of Idaho and Washington (CWA §§ 303(d)(4) and 402(o)(3)).

Comment [AB42]: What about http://water.epa.gov/polwaste/nps/success319/wy_muddymckinney.cfm? Is there an antibacksliding provision for that? TCDD?

Comment [BN43]: The link discusses BMPs to improve unstable stream channels. I'm not sure what the connection is to these permits.

Right now the permits only have monitoring requirements for TCDD (which is the case for the WA permits as well). If we were to reduce the monitoring frequency for TCDD, that could be considered backsliding and would need to be done in compliance with 40 CFR 122.44(l). See also the US. EPA NPDES Permit Writers Manual at Section 7.2.2. http://cfpub.epa.gov/npdes/writermanual.cfm?program_id=45

Comment [AB44]: OK

H. Regional Toxics Task Force

The goal of the Spokane River Regional Toxics Task Force (Task Force) is to develop a comprehensive plan to make measurable progress toward bringing the Spokane River into compliance with applicable water quality standards for PCBs.

To accomplish this goal, the Permittee shall participate in the Task Force under the terms and conditions of the January 23, 2012, Memorandum of Agreement Regarding Spokane River Regional Toxics Task Force and the Operational Concepts

incorporated therein. The Permittee shall not be required to be a member of any non-profit organization or other business entity affiliated with the Task Force.

Comment [DW45]: While I understand that it is a legality that they can't be a member of the business entity there needs to be some language about funding the technical advisor and technical tasks associated with the group.

Comment [BN46]: This language represents the product of extensive negotiation between the dischargers and environmental groups. I'm not sure it's possible to change it.

I. Monitoring and Best Management Practices for PCBs and 2,3,7,8 TCDD

1. The permittee must conduct analyses of the receiving water and the wastewater facility's influent and effluent for PCBs and 2,3,7,8 TCDD as required in Part I.B of this permit. Effluent and receiving water samples must be collected and analyzed in accordance with protocols and QA/QC procedures specified in the Quality Assurance Plan required by Part II.A of this permit.

2. By 180 days after the effective date of the final permit, the permittee must submit to EPA and IDEQ a Toxics Management Plan (TMP). By one year after the effective date of the final permit, the permittee must submit written notification to EPA and IDEQ that the plan has been implemented. The goal of the TMP must be to reduce loadings of PCBs and 2,3,7,8 TCDD to the Spokane River to the maximum extent practicable. The TMP must address source control and elimination of PCBs and 2,3,7,8 TCDD as follows:

   a) From contaminated soils, sediments, storm water and groundwater entering the POTW collection system via inflow and infiltration.

   b) From industrial and commercial sources.

      (i) If any industrial user's discharges of PCBs and/or 2,3,7,8 TCDD to the POTW treatment plant cause pass through or interference, the permittee must require the industrial user to reduce or eliminate such discharges in compliance with 40 CFR 403.

      (ii) The permittee must not allow any person to discharge to the POTW water containing PCBs in excess of any pretreatment local limit established by the POTW, or 3 µg/L, whichever is less.

   c) By means of eliminating existing sources that are within the direct control of the permittee including but not limited to:

      (i) Machinery manufactured prior to May 31, 1979.

      (ii) Electrical equipment and components containing insulating or dielectric oil manufactured prior to May 31, 1979, including but not limited to transformers, capacitors, regulators, reactors, circuit breakers, switch gear and fluorescent lighting ballasts.

      (iii) Construction material including but not limited to paints and caulking.

      (iv) Commercial materials including but not limited to ink, dyes and lubricants.

   d) By means of changing the permittee's procurement practices, control and minimize the future generation and release of PCBs and 2,3,7,8 TCDD that is within the direct control of the permittee, including preferential use of PCB free substitutes for those products containing PCBs below the regulated level of 50 ppm, in sources including but not limited to:

(i) Electrical equipment and components containing insulating or dielectric oil, including but not limited to transformers, capacitors, regulators, reactors, circuit breakers, switch gear and fluorescent lighting ballasts.

(ii) Construction materials including but not limited to paints and caulking,

(iii) Commercial materials including but not limited to ink, dyes, and lubricants.

(iv) Soaps and cleaners.

e) Within two years of the effective date of the final permit, the permittee, either individually or in collaboration with other dischargers to the Spokane River, must develop and implement a public education program to educate the public about the following:

(i) The difference between products free of PCBs and those labeled non-PCB but which contain PCBs below the TSCA regulatory threshold of 50 ppm.

(ii) Proper disposal of waste products that may contain PCBs including those containing PCBs below the TSCA regulatory threshold of 50 ppm and the hazards associated with improper disposal.

f) The education program must include distribution of appropriate educational materials to the target audiences at least once per year.

g) At least once per year, the permittee must prepare and distribute appropriate information relevant to the TMP to a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW that provide(s) meaningful public notice.

h) The permittee must make all relevant TMP documents available to the public.

3. Beginning two years after the effective date of the final permit, the permittee must submit an annual report to EPA and IDEQ. Each annual report must contain the following information:

a) Monitoring results for PCBs and 2,3,7,8 TCDD for the previous 12-month period, including laboratory data sheets.

b) Copies of education materials, ordinances (or other regulatory mechanisms), inventories, guidance materials, or other products produced as part of the TMP.

c) A description and schedule for implementation of additional actions that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards.

d) A summary of the actions the permittee plans to undertake to reduce discharges of PCBs and 2,3,7,8 TCDD during the next reporting cycle.

e) A summary of the actions taken to reduce discharges of PCBs and 2,3,7,8 TCDD during the previous 12-month period.

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.

Field Code Changed

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 paragraph III.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

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 permittees to electronically submit DMRs and other required reports via a secure internet connection. Specific requirements regarding submittal of data and reports in paper form and submittal using NetDMR are described below.

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 Part 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
1200 Sixth Avenue, Suite 900
OCE-133
Seattle, Washington 98101-3140

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Pkwy

Coeur d'Alene, ID 83814

2. Electronic submissions

Monitoring data must be submitted electronically to EPA no later than the 10th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). 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 and insert State/Tribal agency.

The permittee may use NetDMR after requesting and receiving permission from US 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, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

Field Code Changed

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 Part IV.F, "Bypass of Treatment Facilities");

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

   d) any violation of a maximum daily discharge limitation for applicable pollutants identified by Part I.B.2.

   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").

Field Code Changed

Field Code Changed

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:

5. 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
6. 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.
7. 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.
8. 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 Sixth Avenue
Suite 900, M/S OWW-130
Seattle, WA 98101

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.

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 2 and 3 of this Part.

2. Notice.
   a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
   b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
   a) Bypass is prohibited, and the Director of the 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.
   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 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.

Field Code Changed

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 is 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 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.
4. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily

discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

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. "Credit" means a measured or estimated unit of pollutant reduction per unit of time at the discharge location of the buyer or user of the credit. A seller generates excess load reductions by controlling its discharge beyond what is needed to meet its baseline. A buyer compensates a seller for creating the excess load reductions that are then converted into credits by using trade ratios. Where appropriate, the buyer can use the credits to meet a regulatory obligation.
9. "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.
10. "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.
11. "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.
12. "DMR" means discharge monitoring report.
13. "EPA" means the United States Environmental Protection Agency.
14. "Equivalency ratio" means a factor applied to pollutant reduction credits to adjust for trading different pollutants or different forms of the same pollutant.
15. "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.
16. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
17. "IDEQ" means the Idaho Department of Environmental Quality.

18. "Inhibition concentration", IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).
19. "Interference" is defined in 40 CFR 403.3.
20. "Location ratio" means a factor applied to pollutant reduction credits when sources are upstream of a waterbody of concern that accounts for the distance and unique watershed features between a pollutant source and the downstream waterbody (e.g., bay, estuary, lake, reservoir) or area of interest (e.g., a hypoxic zone in a waterbody).
21. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
22. "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.
23. "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.
24. "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.
25. "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).
26. "QA/QC" means quality assurance/quality control.
27. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
28. "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.
29. "Significant Industrial User" means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact

Comment [AB47]:
A couple of months ago I started looking at the myriad of terms that are associated with the analytical data. The more I looked into this, the more confused I became. That included conversations with laboratories that supposedly know more that I do about the topic. From the perspective of getting a handle on the PCB in the watershed the SRRTTF really needs to establish an SOP on analytical data, the terminology, consistency, definitions for terms, when data is useable, how to account for blank contamination, etc.

The definitions below come from an EPA document (2010). Maybe you understand how these terms are used and can explain it to me. (OW refers to the definition as used by the Office of Water). My goal in this is to have the golden balance between flexibility in letting the permittees use an SOP that is developed by the SRRTTF and standardization with respect to how terms are used in permits/reported in the DMRs (which I expect will be an important repository for public information) and other reports.

Perhaps we can chat about this because it actually is pretty important from the perspective of making the best use of these expensive laboratory tests.

Minimum Level (ML) – A minimum level at which the analytical system shall give recognizable mass spectra (background corrected) and acceptable calibration points. See 40 CFR Part 136. (OW/EAD) (ORCR)

Minimum Reporting Level (MRL) – The minimum concentration that can be reported as a quantitated value for a target analyte in a sample following analysis. This defined concentration can be no lower than the concentration of the lowest calibration standard for that analyte, and can only be used if acceptable quality control criteria for the analyte at this concentration are met. (ORD) (OW/EAD) (OPP) (OW/TSC) (ORCR)

Reporting Limit – (1) The minimum value below which data are documented as non-detects. (OW/TSC) (OECA) (ORCR) (2) The minimum value of the calibration range. Analyte detections between the detection limit and the reporting limit are reported as having estimated concentrations. (ORD) (ORCR)

http://www.epa.gov/fem/pdfs/Env_Measurement_Glossary_Final_Jan_2010.pdf

cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). Upon a finding that an industrial user meeting above the criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

30. "Uncertainty ratio" means a factor applied to pollutant reduction credits generated by nonpoint sources that accounts for lack of information and risk associated with best management practice measurement, implementation and performance.
31. "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.
32. "24-hour composite" sample means a combination of at least eight (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.

Draft

Attachment A

Including Days of Zero Discharge in the Calculation of Seasonal Average TP and Ammonia Load

If the permittee's daily average effluent flow is zero for at least three days during the seasons during which seasonal average effluent limits apply, the permittee may include zero pounds per day daily discharge values in the calculation of the permittee's seasonal average total phosphorus (TP) and total ammonia loads. The number of zero pound per day daily discharge values included in the calculation of the permittee's seasonal average phosphorus and ammonia loads must not exceed the number listed in Table A-1 below.

The number of zeros allowed for averaging is equal to the required sampling frequency of three times per week (0.429 samples per day), multiplied by the number of days of zero discharge, and rounded down to the nearest whole number.

Draft

Table A-1: Number of Zero lb/day Daily Discharge Values Allowed for Calculation of Seasonal Avg. Load

Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.	Days of Zero Discharge	Zeros Allowed for Avg.
1	0	60	25	119	51	178	76	237	101
2	0	61	26	120	51	179	76	238	102
3	1	62	26	121	51	180	77	239	102
4	1	63	27	122	52	181	77	240	102
5	2	64	27	123	52	182	78	241	103
6	2	65	27	124	53	183	78	242	103
7	3	66	28	125	53	184	78	243	104
8	3	67	28	126	54	185	79	244	104
9	3	68	29	127	54	186	79	245	105
10	4	69	29	128	54	187	80	246	105
11	4	70	30	129	55	188	80	247	105
12	5	71	30	130	55	189	81	248	106
13	5	72	30	131	56	190	81	249	106
14	6	73	31	132	56	191	81	250	107
15	6	74	31	133	57	192	82	251	107
16	6	75	32	134	57	193	82	252	108
17	7	76	32	135	57	194	83	253	108
18	7	77	33	136	58	195	83	254	108
19	8	78	33	137	58	196	84	255	109
20	8	79	33	138	59	197	84	256	109
21	9	80	34	139	59	198	84	257	110
22	9	81	34	140	60	199	85	258	110
23	9	82	35	141	60	200	85	259	111
24	10	83	35	142	60	201	86	260	111
25	10	84	36	143	61	202	86	261	111
26	11	85	36	144	61	203	87	262	112
27	11	86	36	145	62	204	87	263	112
28	12	87	37	146	62	205	87	264	113
29	12	88	37	147	63	206	88	265	113
30	12	89	38	148	63	207	88	266	114
31	13	90	38	149	63	208	89	267	114
32	13	91	39	150	64	209	89	268	114
33	14	92	39	151	64	210	90	269	115
34	14	93	39	152	65	211	90	270	115
35	15	94	40	153	65	212	90	271	116
36	15	95	40	154	66	213	91	272	116
37	15	96	41	155	66	214	91	273	117
38	16	97	41	156	66	215	92		
39	16	98	42	157	67	216	92		
40	17	99	42	158	67	217	93		
41	17	100	42	159	68	218	93		
42	18	101	43	160	68	219	93		
43	18	102	43	161	69	220	94		
44	18	103	44	162	69	221	94		
45	19	104	44	163	69	222	95		
46	19	105	45	164	70	223	95		
47	20	106	45	165	70	224	96		
48	20	107	45	166	71	225	96		
49	21	108	46	167	71	226	96		
50	21	109	46	168	72	227	97		
51	21	110	47	169	72	228	97		
52	22	111	47	170	72	229	98		
53	22	112	48	171	73	230	98		
54	23	113	48	172	73	231	99		
55	23	114	48	173	74	232	99		
56	24	115	49	174	74	233	99		
57	24	116	49	175	75	234	100		
58	24	117	50	176	75	235	100		
59	25	118	50	177	75	236	101		

Page 6: [1] Comment [BN15]	Brian Nickel	12/20/2012 11:54:00 AM

We can consider concentration limits. I agree with Pat that, under some circumstances, chronic criteria would not be met at the edge of a 2.5% mixing zone.

However, the limits are consistent with 40 CFR 122.45(b)(1), which requires that effluent limits for POTWs be calculated based on design flow. Also, arguably, the limits are consistent with the recommendation in the TSD (Section 5.7.1) that a combination of mass and concentration limits be required if there is less than 100-fold dilution, although it is the complete-mix dilution factor that is greater than 100:1 in this case as opposed to the dilution achieved at the edge of the mixing zone (See the fact sheet at Appendix B, Table 8).

Finally, it is worth noting that a 2.5% acute mixing zone is very unusual in Idaho. Idaho's mixing zone provisions have no bright-line restrictions on acute mixing zones or zones of initial dilution, other than requiring them to be "inside" (i.e., smaller than) the chronic mixing zone. Typically, in Idaho, acute mixing zones are 25% of the 1Q10 river flow.

Page 6: [2] Comment [BN17]	Brian Nickel	12/20/2012 11:56:00 AM

There is no relationship between the average monthly and seasonal average NH3 limits. They have different bases. The average monthly and maximum daily limits are based on numeric criteria (i.e. toxicity) and the seasonal average limits are based on the modeled DO impact.

Page 10: [3] Comment [P28]	PHAL461	12/11/2012 2:34:00 PM

Spokane River Metals TMDL required effluent limits as the more stringent of:

1. WQ based limits based on end-of-pipe hardness, or
2. Limits based on past performance.

It looks like the lead limit was based on end-of-pipe hardness and the 1999 flowrates. So, the lead concentration limit should be similar to the WA discharger limits. For cadmium, the fact sheet references Idaho's 401 certification, and I'm not sure how they calculated these limits.

Page 10: [4] Comment [BN29]	Brian Nickel	12/20/2012 12:05:00 PM

In short, the Cd limits are performance-based. They were calculated based on current performance for concentration combined with the design flows of the POTWs at the time the 1999 permits were issued. The intent was to not authorize more loading of Cd than was tacitly authorized by the 1999 permits (which did not have effluent limits).

The lead limits were also specified in the 401 cert but are identical to the loading limits in the 1999 permit. Pat is correct that those limits applied criteria at the end-of-pipe, with effluent hardness, and loading was calculated based on design flow.

The lead limits specified in the 401 certs for HARSB and Post Falls were calculated in the same way as the cadmium limits in this permit.