Permit No.: WA-000206-2

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
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",

Department of Defense
Department of the Navy
Puget Sound Naval Shipyard
Bremerton, Washington 98314

is authorized to discharge from facility located at Bremerton, Washington

to receiving waters named Sinclair Inlet,

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

This permit shall become effective April 1, 1994

This permit and the authorization to discharge shall expire at midnight, April 1, 1999.

Signed this 2nd day of March, 1994.

for/ Director, Water Division, Region 10
U.S. Environmental Protection Agency

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Specific Limitations and Monitoring Requirements.

1. During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge drydock drainage and noncontact cooling water from outfalls 018 (including 018A and 096) and 019, treated steam plant wastewater from outfall 021, and stormwater runoff, demineralized water, steam condensate, salt water supply system, and potable water from the remaining outfalls.

a. Such discharges shall be limited and monitored by the permittee as specified below:

OUTFALL NUMBER	EFFLUENT CHARACTERISTIC	Unit of Measurement	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
			Monthly Average	Daily Maximum	Sampling Frequency	Sampling Type
018, 018A and 096	Flow	MGD	--	--	Weekly	Estimate
	Oil and Grease	mg/l	10	15	Weekly	Grab
	Copper (Total Recoverable)	mg/l lbs/day 4/	0.019 0.44	0.033 0.77	Weekly	Grab
	Lead, Mercury, Zinc Copper (Total Recoverable)	mg/l	--	--	Monthly 1/	24-hr composite
	Temperature	°F	--	--	Monthly	Grab
	PCBs	mg/l	--	--	Monthly 1/	Grab
	Whole Effluent Toxicity Testing	--	--	--	per Part I.C.	
019	Flow	MGD	--	--	Weekly	Estimate
	Oil and Grease	mg/l	10	15	Weekly	Grab
	Copper (Total Recoverable)	mg/l lbs/day	0.019 0.83	0.033 1.44	Weekly	Grab

OUTFALL NUMBER	EFFLUENT CHARACTERISTIC	Unit of Measurement	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
			Monthly Average	Daily Maximum	Sampling Frequency	Sampling Type
	Lead, Mercury, Zinc Copper (Total Recoverable)	mg/l	--	--	Monthly 1/	24-hr composite
	Temperature	°F	--	--	Monthly	Grab
	PCBs	mg/l	--	--	Monthly 1/	Grab
	Whole Effluent Toxicity Testing	--	--	--	per Part I.C	
021	Flow	MGD	0.17	--	Continuous	Recorded
	Temperature	°F	70 (winter) 75 (summer)	90 (winter) 90 (summer)	Daily	Grab
	Oil and Grease	mg/l lbs/day	10 14.18	15 21.28	Daily	Grab
	TSS	mg/l lbs/day	30 42.53	100 141	3/7 days	24-hour Composite
	Total Residual Chlorine	mg/l	--	0.20	Daily 2/	Grab
	Free Available Chlorine	mg/l	0.20	0.50	Daily 2/	Grab
	Chromium 3/ (Total Recoverable)	mg/l	0.20	0.20	Weekly	Grab
	Zinc 3/ (Total Recoverable)	mg/l	1.0	1.0	Weekly	Grab
	pH	S.U.	(1)	--	Daily	Grab

(1) pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored continuously and recorded. The total time during which pH values are outside the range of 6.0 to 9.0 shall not exceed one percent of the operating time each month. The permittee shall report on the DMR the maximum and minimum pH, and for any excursions above or below the limit, the total number of minutes per month of excursion and the number of excursions exceeding 60 minutes.

(2) Whole effluent toxicity testing required in part I.C. for discharges 018 and 019 shall be conducted on discharge samples collected concurrent with chemical specific monitoring required under part I.A. Toxicity testing protocols and reporting requirements are established in section I.C. below.

1/ Monitoring shall be conducted for one year (12 monthly samples). Additional monitoring or effluent limitations may be proposed by permit modification if the monitoring results indicate any reasonable potential that water quality standards may be exceeded in receiving waters.

2/ Monitoring for these parameters is required only in the event that use of chlorine is resumed. The permittee shall indicate on the DMR form "no discharge" for these pollutant parameters except when monitoring and/or chlorine usage actually occurs.

3/ Limitations and monitoring requirements for these parameters apply to the wastewater flow from the air compressor cooling tower blowdown and diesel generator cooling tower blowdown before it is commingled with other waste streams.

4/ Load limitations for copper applicable to the cumulative discharges from outfalls 018, 018A and 096

b. There shall be no discharge of floating solids, visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.

c. Discharges are not authorized to cause a violation of State Water Quality Standards as defined in Chapter 173-201A WAC outside the boundaries of the mixing zones established as described below:

For outfall 021, the boundaries of the mixing zone where the discharge shall not cause an exceedance of water quality standards for temperature and marine chronic effects is 150 feet in any horizontal direction from the diffuser. Water

quality standards for acute effects shall be met within 24 feet in any horizontal distance from the outfall. Mixing zones shall extend from the surface to the bottom of the receiving water.

For outfalls 018 (including 018A and 096) and 019, the boundaries of the mixing zone where the discharge shall not cause an exceedance of water quality standards for temperature and marine chronic effects is 200 feet in any horizontal direction from the discharge. Water quality standards for acute effects shall be met within 20 feet in any horizontal distance from the outfall. Mixing zones shall extend from the surface to the bottom of the receiving water.

Mixing zones for discharges or stormwater runoff from other shipyard outfalls are not established in this permit. EPA anticipates that implementation of best management practices and stormwater pollution prevention plan, as required in this permit, will minimize the potential for water quality impacts from these discharges.

d. There shall be no discharge of polychlorinated biphenyl (PCB) compounds.

e. For the purposes of reporting, the Permittee shall use the lowest calibration or the CRDL (as defined below). The permittee must conduct analyses in accordance with the analytical method specified below or use other equally sensitive EPA approved (per part 40 CFR 136) methods. A standard must be used which is equivalent to the quantification level specified below:

Parameter	Analytical Method	CRDL and Lowest Calibration Concentration
Arsenic	206.2	10 ug/l
Cadmium	213.2	1 ug/l
Chromium	200.7	10 ug/l
Copper	220.2	10 ug/l
Cyanide	335.2	10 ug/l
Lead	239.2	5 ug/l
Mercury	245.1	0.2 ug/l
Nickel	249.2	5 ug/l
PCB	608	1.0 ug/l
Zinc	200.7	20 ug/l

For the purposes of reporting on the discharge monitoring report, all analytical values below the quantification level may be reported equal to 0. All analytical values at or above the quantification level shall be reported as the measured value.

The permittee shall report in the Comment Section on the discharge monitoring report the lowest calibration standard used, the number of results that were found to be below the quantification level, and the quantification level achieved.

f. Discharges from the permittee's salt water supply system shall not contain biocides in concentrations which may cause exceedance of state water quality standards.

g. Vessel bilge and ballast waters shall be treated to remove oil and grease in accordance with approved shipyard operating instructions (No. 0593-903 or as amended).

h. Storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than three years after the date of issuance of this permit. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the United States.

i. Any discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/l total suspended solids. Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.0-9.0. (Note: the coal storage area at PSNS is enclosed in a large building. Stormwater runoff from the area surrounding the coal storage building is anticipated to discharge via outfall 022).

B. Compliance Schedule and Interim Limitations

1. During the period beginning on the effective date and lasting until December 31, 1996, the following interim limitations shall apply to discharges from outfalls 018 (including 018A and 096) and 019.

	Units of Measurement	Monthly Average	Daily Maximum
Copper (total recoverable)1/	mg/l	0.045	0.070

1/ Monitoring and reporting requirements are not changed from permit part I.A.1.a.

If EPA determines that cause for modification exists pursuant to 40 CFR 122.62, this section of the permit may be reopened and modified to accommodate such cause.

C. Ambient Monitoring

Ambient receiving water monitoring for total recoverable and dissolved copper, lead and zinc shall be conducted quarterly during the first year of this permit. Each sampling event will consist of three samples collected at different tidal conditions (incoming, outgoing and low slack). The monitoring location shall be approximately mid-way across Sinclair Inlet in a southerly direction from drydock 6. The latitude and longitude coordinates of this sampling station shall be established prior to or during the first sampling event to allow relocation for future sampling. Station coordinates shall be reported with the monitoring data.

Samples shall be collected according to Recommended Sampling Protocols for Measuring Metals in Puget Sound Water, Sediment and Tissue Samples (December 1989). The depth of water from which samples are collected shall be consistent throughout this period of sampling.

D. Whole Effluent Toxicity Testing

The permittee shall conduct monitoring to determine the acute and chronic toxicity of discharges from outfalls 018 and 019. Toxicity testing shall be conducted on 24-hour composite samples collected quarterly during the first year of this permit. Samples for toxicity testing shall be collected concurrently with samples collected for chemical analyses (as required under part 1.A.,above). Testing shall be accomplished according to reporting and monitoring protocols identified below.

1. Acute Tests

The Permittee shall conduct acute toxicity testing in accordance with following paragraphs a - e, and section 3.a - g, below.

a. The Permittee shall conduct 96-hour static renewal or flow-through tests for estimating toxicity of the effluent using one of the following organisms:

(1) Silverside Minnow (*Menidia beryllina*)
(2) Mysid Shrimp (*Mysidopsis bahia*).

b. The Permittee shall conduct testing according to the guidelines set forth in Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (Fourth Edition), EPA/600/4-90/027.

c. The toxicity testing shall include a series of six test solutions, ranging from zero percent effluent (control) to 100 percent effluent. No additional testing at other dilutions is required if the NOEC is determined to be 100 percent effluent. Adjustments to salinity may be used, if necessary, to minimize effects of low salinity on marine test organisms. Salinity adjustment may be made according to current recommended procedures using sea salts or receiving water. Based on available data, dilutions shall be selected that will bracket the expected LC_{50} (see definitions) of the effluent. Test results shall be reported in acute toxic units (TU_A, see definitions). In addition, the Permittee shall report the LC_{50} of the effluent in control water, as well as the 95 percent confidence limits of the LC_{50}, calculated using an internally consistent scheme based on the moving average angle, graphical, or probit method, as appropriate.

d. In conducting acute tests, the Permittee shall also report responses that could reasonably be expected to result in ecological death (e.g., cessation of swimming behavior) and, if possible, the Permittee shall determine a 96-hour EC_{50}.

e. All reporting, quality assurance criteria and statistical analyses used for acute tests shall be in accordance with Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine

Organisms (Fourth Edition), EPA/600/4-90/027. The report of acute test results shall include all relevant information outlined in Section 12 of the above document.

2. Chronic Tests

The Permittee shall conduct chronic toxicity testing in accordance with the following paragraphs a - e and section 3.a - g , below.

a. The permittee shall conduct chronic toxicity testing using one of the following organisms:

(1) Sand dollar (*Dendraster excentricus*)
(2) Green, purple or red sea urchin *Strongylocentrotus droehbachiensis*, *Strongylocentrotus purpuratus*, *Strongylocentrotus franciscanus*, respectively)
(3) Pacific oyster (*Crassostrea gigas*)
(4) Bay mussel (*Mytilus edulis*)

Species shall be selected based on availability of organisms in spawning condition.

b. All test organisms and procedures for the bivalve larvae tests shall be in accordance with:

Standard Practice for Conducting Static Acute Toxicity Tests with the Larvae of Four Species of Bivalve Molluscs, designation: E 724-89. ASTM. 1989.

All test organisms and procedures for the echinoderm tests shall be in accordance with:

(i) Improved Methodology for a Sea Urchin Sperm Cell Bioassay for Marine Waters. Dinnel, P.A., J.M. Link, and Q.J. Stober. 1987. arch. Environ. Contam. Toxicol. 16:23-32; or

(ii) Methodology and Validation of a Sperm Cell Toxicity Test for Testing Toxic Substances in Marine Waters, Dinnel, et al., FRI-UW-8306, November 1983; and

EPA Region 10 Guidance for Conducting Effluent Toxicity Tests Using West Coast Sea Urchins and Sand Dollars.

c. The toxicity testing on each organism shall include a series of six test solutions, ranging from zero percent effluent (control) to 100 percent effluent. No additional testing at other dilutions is required if the NOEC is determined to be 100 percent effluent.Adjustments to salinity may be used, if necessary, to minimize effects of low salinity on marine test organisms. Salinity adjustment may be made according to current recommended procedures using sea salts or receiving water. Based on available data, dilutions shall be selected that will bracket the expected no observable effects concentration (NOEC, see definitions) of the effluent. In addition, one dilution will be used that corresponds with the dilution necessary to show compliance with the permit limit. Salinity adjustment shall be used, if appropriate. For

compliance purposes, test results shall be reported in chronic toxic units (TU_c, see definitions).

d. In addition to reporting TU_c, the Permittee shall report the NOEC and the EC_{50} (see definitions) of the effluent in control water.

e. All reporting, quality assurance criteria and statistical analyses used for chronic tests shall be in accordance with Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms EPA/600/4-87/028 and individual test protocols. The report of results shall include all relevant information outlined in Section 10, Report Preparation, of this EPA document.

3. Both Types of Toxicity Tests

Paragraphs a - g, below apply to all toxicity tests described in sections 1. and 2. of this Part of the permit.

a. Testing shall be conducted on 24-hour composite samples of effluent. Each sample collected shall be large enough to provide enough effluent to conduct the toxicity tests, as well as required chemical testing.

b. To the extent possible, the Permittee shall conduct acute and chronic testing on split samples of effluent.

c. Dilution water for marine tests shall be high quality natural seawater. Artificial sea salts or concentrated brine may be used if the lab can achieve reliable results when conducting the specified test with the chosen medium.

d. Any tests that fail the criteria for control response as specified in the respective protocols shall be repeated on a freshly collected sample.

f. The Permittee shall submit the results of the toxicity tests in TUs with within 60 days of the sampling event. Sampling information shall be mailed to same address to which monthly DMRs are sent. Along with the results, the Permittee shall include: (1) the dates of sample collection and initiation of each toxicity test; (2) general activities within the drydocks and weather conditions at the time of sampling; and (3) the flow rate (whether measured or estimated) at the time of sample collection.

g. If EPA determines that any of the toxicity tests are inadequate for evaluating the Permittee's effluent, EPA may substitute alternative tests that will provide the required toxicity information.

E. Sediment Monitoring

The permittee shall submit to EPA, Region 10, Water Division results of future sediment monitoring conducted as required by Washington Department of Ecology, Toxic Cleanup Program and EPA's Superfund Program. Sediment monitoring information available from each preceding calendar year shall be submitted by May 15, annually.

Monitoring conducted to date and additional monitoring proposed for the future are anticipated to adequately address sediment quality concerns during the five year life of this permit. However, this permit may be reopened and modified to established effluent limitations and/or monitoring requirements if determined necessary to protect water or sediment quality from being degraded by discharges from the shipyard.

F. Stormwater Monitoring

Stormwater discharges from outfalls 002, 003, 006, 010, 012, 013, 014, 028, 022, 025, 030, 040 and 052 (052 was formerly designated 007b) shall be monitored according to the following requirements:

1. Sample analyses of stormwater discharges listed below shall be conducted for the following pollutants:

Outfall(s)	Conventional Pollutants 1/	Metals 2/	Total petroleum Hydrocarbons 3/	Cyanide	Semi-Volatile Organics 4/
002, 012, 014, 025 and 040	X	X	X		
010 and 030		X		X	
003, 006, 013 028 and 052	X	X	X		X
022	X		X		

2. Permittee shall collect "grab" samples of the discharges. As logistics allow, the permittee shall attempt to collect samples within the first 30 minutes of storm event.

3. Samples shall be collected at each of the identified outfalls for two years according to the following sampling schedule:

   a. During or immediately after a significant rainfall event 5/ after September 1, and
   b. During or immediately after a significant rainfall event after March 1 and before April 30, and
   c. During the month of August when no measurable precipitation has occurred within 48 hours.

4. Sampling results shall be submitted within 60 days of sample collection. Outfalls not discharging during the specified sampling periods shall be identified accordingly in the sampling report.

5. This permit may be modified to require additional monitoring or to establish effluent limitations based upon the information determined from the stormwater sampling.

6. The permittee may discontinue stormwater monitoring at individual outfalls for any parameter which has been determined to be nondetectable (at CRDLs) after the first three sampling events.

7. For each sampling event, the permittee shall provide the following information: The flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event sampled, and the method of flow measurement or estimation. The date and duration (in hours) of the storm event (in inches) which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable storm event.

1/ Conventional pollutants, for purposes of stormwater monitoring, shall include the five day biochemical oxygen demand (BOD^5), total suspended solids (TSS), chemical oxygen demand and pH.

2/ Metals, for purposes of stormwater monitoring, shall included arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc. Metal analyses (including cyanide) shall determine total recoverable concentrations at CRDLs (see definitions).

3/ Total petroleum hydrocarbons (TPH) shall be determined using EPA method 600/4-79-020. The permittee shall conduct additional analyses on any sample which exceeds 10 mg/l using Washington Department of Ecology method WTPH 418.1 modified. Result of this analyses shall be submitted with the TPH data.

4/ Semi-volatile organics are those substances listed under 40 CFR 122 Appendix D Table II, Acid Compounds, Base/Neutral and Pesticides.

5/ A significant rainfall event (storm) is defined for this permit as:
1) depth of storm equals 0.1 inch of rain or greater,
2) storm should be proceeded by 72 hours of dry weather, and
3) the variance in the duration of the event and the total rainfall of the event should not exceed 50% from the average of the area's median rainfall event.

G. Definitions

1. Acute Toxic Unit (TU_A) is a measure of acute toxicity. The number of acute toxic units in the effluent is calculated as $100/LC_{50}$ where the LC_{50} is measured in percent effluent.

2. Administrator means the Administrator of the USEPA, or an authorized representative.

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

4. Chronic Toxic Unit (TU_c) is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as 100/NOEC where the NOEC is measured in percent effluent.

5. Daily discharge means the discharge of a pollutant 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 the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in concentration, rates, or other units, the daily discharge is the average measurement of the pollutant over the day.

6. Daily maximum. See Maximum daily discharge.

7. EC_{50} is a point estimate of the effluent concentration that would cause an observable adverse effect (such as death, immobilization, or serious incapacitation) in 50 percent of the test organisms exposed.

8. Final effluent means effluent at, or upstream from the point where a permitted outfall enters navigable waters, and through which all waste streams pass that are discharged from the outfall.

9. Grab sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible. See Part III.F. (Representative Sampling).

10. LC_{50} means the concentration of effluent that is acutely toxic to 50 percent of the test organisms exposed.

11. Maximum daily discharge limitation or daily maximum means the highest allowable daily discharge.

12. Monthly average discharge means the 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.

13. NOEC means no observable effect concentration. The NOEC is the highest tested concentration of an effluent at which no adverse effects are observed on the test organisms at a specific time of observation.

14. Regional Administrator means the EPA Region 10 Regional Administrator, or an authorized representative.

15. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that 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.

16. 24-hour composite sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab

sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

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

18. Waste stream means any non-deminimus source of pollutants within the Permittee's facility that enters any permitted outfall or navigable waters. This includes spills and other unintentional, non-routine or unanticipated discharges.

19. Contract Required Detection Levels (CRDLs) means the analytical level of detection EPA contract laboratories are required to attain and are considered the lowest level for quantitative decisions based upon individual sample measurements. Required detection levels and associated analytical methodologies for metals are identified in permit Part 1.A.e.

20. Significant materials include but are not limited to: raw materials: fuels; materials such as solvents; detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous materials designated under section 101 (14) of CERCLA; any chemical at or above threshold levels pursuant to EPCRA which have the potential to be released with storm water.

21. Significant spills (applicable to the stormwater requirements of this permit) includes, but is not limited to releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

22. Section 313 water priority chemical means a chemical or chemical categories which: 1) are listed at 40 CFR 372.65 pursuant to section 313 of the Emergency Planning and Community Right to Know Act (EPCRA); 2) Are present at a facility, at or above the following threshold amounts: (i) 25,000 pounds of the chemical processed or manufactured for the year, (ii) 10,000 pounds of the chemical otherwise used at a facility for the applicable year; 3) that meet one of the following criteria (i) are listed in Appendix D of 40 CFR 122 on either table II, Table III, or Table IV; (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria. A list of 313 water priority chemical are attached to the fact sheet for this permit.

II. BEST MANAGEMENT PRACTICES (BMPs)

A. Purpose

The permittee shall during the term of this permit operate the facility in accordance with BMPs which prevents or minimizes the generation of pollutants, their release, and potential release to waters of the United States through normal operation and ancillary activities.

The permittee, shall develop and implement a Best Management Practices (BMP) Plan which achieves the objectives and the specific requirements listed below. A copy of the Plan shall be submitted to EPA for review within three months of the effective date of the permit. EPA shall have the right to disapprove the BMP Plan within 60 days of receipt, after which the Plan shall be deemed approved, unless EPA disapproves of the submittal. The Plan shall be implemented as soon as possible but no later than twelve months from the effective date of the permit.

The permittee shall ensure that BMPs developed specifically for PSNS activities that are similar to commercial shipyard operations are equivalent (in terms of environmental protection) to BMPs developed by Washington Department of Ecology for commercial shipyard operations and identified as Best Management Practices for Drydock, Vessel, and Yard Operations and Maintenance.

B. Objectives

The permittee shall develop (or amend existing) BMPs to be consistent with the following objectives for the control of pollutants.

1. The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.

2. Under the BMP Plan, and any SOPs included in the Plan, the permittee shall ensure proper operation and maintenance of any treatment facility.

3. The permittee shall establish specific objectives for the control of pollutants by conducting the following evaluations:

    a. Each facility component or system shall be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination shall include all normal operations and ancillary activities including material storage and handling areas, plant site runoff (see condition), loading or unloading operations, and spillage or leaks.

    b. Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the

program should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

C. Requirements.

The BMP Plan shall be consistent with the objectives in Part B above and the general guidance contained in the publication entitled "Best Management Practices Guidance Document" (U.S. EPA, 1981) or any subsequent revisions to the guidance document. The BMP Plan shall:

1. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices. The BMP Plan shall be organized and written with the following structure:

   a. Name and location of the facility.

   b. Statement of BMP policy.

   c. Structure, functions, and procedures of the Best Management Practices Committee.

   d. Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to, the following:

      (1) modification of equipment, facilities, technology, processes, and procedures,

      (2) reformulation or redesign of products,

      (3) substitution of materials, and

      (4) improvement in management, inventory control, materials handling or general operational phases of the facility.

   f. Risk identification and assessment.

   g. Reporting of BMP incidents.

   h. Materials compatibility.

   i. Good housekeeping.

   j. Preventive maintenance.

   k. Inspections and records.

   l. Security.

   m. Employee training.

2. Include the following provisions concerning BMP Plan review:

a. Be reviewed by appropriate staff and the Shipyard Commander.

b. Be reviewed and endorsed by the permittee's BMP Committee.

c. Include a statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement shall be certified by the dated signatures of each BMP Committee member.

3. Establish specific best management practices to meet the objectives identified in Part II.B.3. of this permit, addressing each component or system capable of generating or causing a release of significant amounts of pollutants, and identifying specific preventative or remedial measures to be implemented.

4. Establish specific best management practices or other measures which ensure that the following specific requirements are met:

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

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

c. Reflect requirements for storm water control under Section 402(p) of the Act and the regulations at 40 CFR 122.26 and 122.44, and otherwise eliminate to the extent practicable, contamination of storm water runoff.

D. Documentation.

The permittee shall maintain a copy of BMP Plan at the facility and shall make these documents available to EPA upon request. All offices of the permittee which are required to maintain a copy of the NPDES permit shall also maintain a copy of the BMP Plan.

E. BMP Plan Modification.

The permittee shall amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to the receiving waters. The permittee shall also amend the Plan, as appropriate, when plant operations covered by the BMP Plan change. Any such changes to the BMP Plan shall be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan shall be reviewed by the plant engineering staff and facility supervisor and shall be reported to EPA in writing. Such changes are deemed approved if EPA submits no comments or objections to the permittee within 60 days of receipt of the revised BMP Plan.

F. Modification for Ineffectiveness.

At any time, if the BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release and potential release to the receiving waters and/or the specific requirements above, the permit and/or the BMP Plan shall be subject to modification to incorporate revised BMP requirements.

III. STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan shall be developed for the entire facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

Coverage of this facility under any general or group permit issued for stormwater discharges shall be terminated upon issuance of this permit.

A. Deadlines for Plan Preparation and Compliance.

The plan for a storm water discharge associated with industrial activity shall be prepared and shall provide for implementation and compliance with the terms of the plan within twelve months of permit issuance. The plan shall contain a schedule for completion of stormwater related construction activities which extend beyond this implementation period.

B. Signature and Plan Review

1. The plan shall be signed and be retained on-site as part of the Puget Sound Naval Shipyard BMP Plan.

2. The permittee shall make plans available upon request to the Director, or authorized representative.

3. The Director, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made. The permittee may request additional time to comply with such requests from the Director if circumstances are present which present a significant obstacle to compliance within the designated time frame.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III.D.2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by EPA in the same manner as Part III.B (above).

D. Contents of Plan

The plan shall include, at a minimum, the following items:

1. Pollution Prevention Team

The plan shall identify positions within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting facility supervisors in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of Potential Pollutant Sources

Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

a. Drainage

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part III.D.2.c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

(2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

b. Inventory of Exposed Materials

An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

c. Spills and Leaks

A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.

d. Sampling Data

A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

e. Risk Identification and Summary of Potential Pollutant Sources

A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concerns shall be identified.

3. Measures and Controls

The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good Housekeeping

Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

b. Preventive Maintenance

A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. Spill Prevention and Response Procedures

Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

d. Inspections

In addition to or as part of the comprehensive site evaluation required under Part III.4 (comprehensive site compliance evaluation) of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

e. Employee Training

Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm

water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

f. Record-keeping and Internal Reporting Procedures

A description of incidents such as spills that enter receiving waters via storm drainage, along with other information describing the quality and quantity of pollutants entering storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

g. Non-Storm Water Discharges

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges not addressed in this permit. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site.

Except for flows from fire fighting activities, sources of non-storm water listed above that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

The following non-storm water discharges may be authorized by this permit: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

h. Sediment and Erosion Control

The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

i. Management of Runoff

The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Parts III.D.2. (description of potential pollutant sources) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water(such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive Site Compliance Evaluation.

Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. Quarterly evaluations are recommended. Such evaluations shall provide:

a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part III.D.2 (description of potential pollutant sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph III.D.3 (measures and controls) of this permit shall be revised as appropriate within two weeks of such inspection

and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.

c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph III.D.4.b (above) of the permit shall be made and retained as part of the storm water pollution prevention plan for at least one year after coverage under this permit terminates. The report shall be signed by the senior executive officer responsible for overall environmental control.

5. Consistency with other plans

Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.

6. Requirements for storm water discharges associated with Section 313 Water Priority Chemicals.

Storm water pollution prevention plans shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:

a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used: (1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water, and wind.

b. In addition to the minimum standards listed under Part III.D.6.a (above) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:

(1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.

(a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the

material stored and conditions of storage such as pressure and temperature, etc.

(b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

(2) Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.

(3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

(4) Areas where Section 313 water priority chemicals are transferred, processed or otherwise handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system, and overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

(5) Discharges from areas covered by paragraphs (1), (2), (3) or (4).

(a) Drainage from areas covered by paragraphs (1), (2), (3) or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

* (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

(6) Facility site runoff other than from areas covered by (1), (2), (3) or (4).

Other areas of the facility (those not addressed in paragraphs (1), (2), (3) or (4)), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive maintenance and housekeeping.

All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational

experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

(8) Facility security.

Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Facility systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training.

Facility employees and contractor personnel that work in areas where SARA Title III, Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

(10) Engineering Certification

The storm water pollution prevention plan for a facility subject to SARA Title III, Section 313 requirements for chemicals which are classified as 'Section 313 water priority chemicals' shall be reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. A Registered Professional Engineer shall recertify the plan every three years thereafter or as soon as practicable after significant modification are made to the facility. By means of these certifications the engineer, having examined the facility and being familiar with the provisions of this part, shall attest

that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the permittee of their duty to prepare and fully implement such plan.

IV. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling.

Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

B. Monitoring Procedures.

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

C. Reporting of Monitoring Results.

Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Toxicity test results shall be submitted according to part 1.B.3.f., above. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.H. Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to:
United States Environmental Protection Agency (EPA) Region 10
1200 Sixth Avenue, WD-135
Seattle, Washington 98101

copy to:
Washington Department of Ecology, NWRO
Water Quality Section
Mail Stop NB-81
3190 - 160th Avenue SE
Bellevue, Washington 98008-5452

D. Additional Monitoring by the Permittee.

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

E. Records Contents.

Records of monitoring information shall include:

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

F. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

G. Twenty-four Hour Notice of Noncompliance Reporting.

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the following circumstances:

   a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

   b. Any upset which exceeds any effluent limitation in the permit; or;

   c. Significant spills (see definitions) into receiving waters of the following materials:

      1. 100 gallons or more of domestic wastewater (sewage).

      2. Any substance in excess of a reportable quantity as listed in 40 CFR 117.

      3. Any substance that is classified, or could reasonable be expected to classify, as hazardous waste as required by WAC 173-303-145.

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances requiring 24-hour notification per part IV.G.1. The written submission shall 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 reoccurrence of the noncompliance.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, (206) 553-1213 or Washington Operations Office (206) 753-9437.

   Telephone notification shall also be provided to the Bremerton-Kitsap County Health District and the Suquamish Tribe of spills of materials addressed under part IV.G.1.d.

4. Reports shall be submitted to the addresses in Part IV.C., Reporting of Monitoring Results.

H. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours per part IV G.1. shall be reported at the time that monthly discharge monitoring reports are submitted per part IV.C. The reports shall contain the information listed in Part IV.G.2.

I. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon 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.

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 shall be submitted no later than 10 days following each schedule date.

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

B. Penalties for Violations of Permit Conditions.

1. Civil Penalty. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed $25,000 per day for each violation.

2. Criminal Penalties:

a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 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. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000.

d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Part V.G., Bypass of Treatment Facilities and Part V.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Removed Substances

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

G. Bypass of Treatment Facilities:

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

2. Notice:

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

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part IV.G., Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of bypass.

   a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

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

      (2) 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 which occurred during normal periods of equipment downtime or preventive maintenance; and

      (3) The permittee submitted notices as required under paragraph 2 of this section.

   b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

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

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

   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 IV.G., Twenty-four Hour Notice of Noncompliance Reporting; and

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

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

I. Toxic Pollutants

The permittee shall 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.

VI. GENERAL REQUIREMENTS

A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

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

   a. One hundred micrograms per liter (100 ug/l);

   b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

   c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

   d. The level established by the Director in accordance with 40 CFR 122.44(f).

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

   a. Five hundred micrograms per liter (500 ug/l);

   b. One milligram per liter (1 mg/l) for antimony;

   c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

   d. The level established by the Director in accordance with 40 CFR 122.44(f).

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source 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 which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.

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

D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

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

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

H. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

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

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

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

2. All reports required by the permit and other information requested by the Director shall 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 and submitted to the Director.

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.H.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 paragraph IV.H.2. must be submitted to the Director 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 section shall make the following certification:

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

I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

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

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

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

M. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

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

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

N. 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.