**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION IX**
**75 Hawthorne Street**
**San Francisco, CA 94105**

# AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## NPDES PERMIT NO. AS0020028

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit:

| | |
|---|---|
| Discharger Name | Pacific Energy South West Pacific Ltd. |
| Discharger Address | P.O. Box 488 |
| | Pago Pago, AS 96799 |
| Facility Name | American Samoa Terminal |
| Facility Location Address | 488 Tank Farm Road |
| | Pago Pago, AS 96799 |
| Facility Rating | Minor |

| Outfall Number | General Type of Waste Discharged | Outfall Latitude | Outfall Longitude | Receiving Water |
|---|---|---|---|---|
| 002 | Industrial Wastewater | S 14° 17.0052' | W 170° 40.7568' | Pago Pago Harbor, Pacific Ocean |
| 003 | Industrial Wastewater | S 14° 17.0022' | W 170° 40.7436' | Pago Pago Harbor, Pacific Ocean |

| | |
|---|---|
| This permit was issued on: | August 5, 2010 |
| This permit shall become effective on: | October 1, 2010 |
| This permit shall expire at midnight on: | September 30, 2015 |
| In accordance with 40 CFR 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director. | |

Signed this 5th day of August, 2010, for the Regional Administrator.

*Signed by John Ong*

*for* Alexis Strauss, Director
Water Division

TABLE OF CONTENTS

**Part I. EFFLUENT LIMITS** ..... 3
**Part II. MONITORING AND REPORTING REQUIREMENTS** ..... 4
**A. Monitoring and Reporting** ..... 4
1. Monitoring Station Locations ..... 4
2. Monitoring Frequency and Sample Type by Sampling Point ..... 5
3. Sampling ..... 7
4. General Monitoring and Reporting ..... 7
5. Quality Assurance (QA) Manual ..... 10
**B. Priority Toxic Pollutants Scan** ..... 10
**C. Outfall Visual Monitoring** ..... 11
**D. Twenty-four Hour Reporting of Noncompliance** ..... 11
**Part III. REOPENER PROVISIONS** ..... 11
**Part IV. STANDARD CONDITIONS** ..... 12
**Part V. SPECIAL CONDITIONS** ..... 12
**A. Pollution Prevention Plan Requirements** ..... 12
**Part VII. ATTACHMENTS** ..... 16
**ATTACHMENT A: Standard Permit Conditions** ..... 17
**ATTACHMENT B: Definitions, Acronyms, and Abbreviations** ..... 30
**ATTACHMENT C: Fact Sheet** ..... 32
**ATTACHMENT D: List of Volatile and Semi-volatile Organic Compounds** ..... 33

# Part I. EFFLUENT LIMITS

During the period beginning on the effective date of this permit and ending on the expiration date of this permit, Pacific Energy South West Pacific Ltd. (the "discharger" or "permittee") is authorized to discharge process wastewater from tank bottom water draws, hose pressure hydrotest waters, and storm water from Outfalls 002 and 003 to Pago Pago Harbor in American Samoa. Such discharges shall be limited as specified in Table 1. The permittee shall maintain compliance with all effluent limitations specified in Table 1 and requirements otherwise identified in this permit.

The permittee shall comply with the following effluent limits at Outfalls No. **002 and 003,** with compliance measured at Sampling Locations **002B/BX, 002C, 002D, and 003,** as described in Part II. Monitoring and Reporting Requirements.

A. The discharge of pollutants at any point other than the outfall numbers specifically authorized in this permit is prohibited, and constitutes a violation thereof.

B. The discharge shall be substantially free from:

   1. Materials attributable to sewage, industrial wastes, or other activities of man that will produce objectionable color, odor, or taste either of itself or in combinations, or in the biota;

   2. Visible floating materials, grease, oil, scum, foam, and other floating material attributable to sewage, industrial wastes, or other activities of man;

   3. Materials attributable to sewage, industrial wastes, or other activities of man that will produce visible turbidity or settle to form objectionable deposits;

   4. Substances and conditions or combinations thereof attributable to sewage, industrial wastes, or other activities of man which may be toxic to humans, other animals, plants, and aquatic life or produce undesirable aquatic life.

C. The discharge shall not cause:

   1. the temperature in the receiving waters to deviate more than 1.5 degrees Fahrenheit from conditions which would occur naturally or fluctuate more than 1 degree Fahrenheit on an hourly basis or exceed 85 degree Fahrenheit due to the influence of other than natural causes;

   2. the concentration of toxic pollutants to exceed the more stringent of the aquatic life criteria for marine waters or the human health concentration criteria for consumption of organisms found in USEPA 2002 or the most recent version;

   3. the dissolved oxygen concentration of the receiving water to be at less than 70% saturation or less than 5.0 mg/L. If the natural level of dissolved oxygen is less than 5.0 mg/L, the natural level shall become the standard;

   4. the pH of the receiving water to be less than 6.5 or greater than 8.6 pH units. The discharge shall not cause the receiving water pH to change more than 0.2 pH units of that which would occur naturally;

5. the light penetration depth of the receiving water to be less than 65.0 feet (not to exceed given value 50 percent of the time).

**Table 1. Effluent Limits for Outfalls No. 002 and 003[1]**

| Parameter | Units | Maximum Allowable Discharge Limits | |
|---|---|---|---|
| | | Average Monthly | Maximum Daily |
| **Outfalls 002 and 003** | | | |
| Flow | MGD | --[2] | Monitoring Only |
| Oil & Grease | mg/L | -- | 15 |
| pH | Standard Units | Not < 6.5 SU, Not > 8.6 SU | |
| Turbidity | NTU | -- | 0.75 |
| Lead | µg/L | 6.9 | 14 |
| Benzene | µg/L | Monitoring Only | |
| Ethylbenzene | µg/L | 2,100 | 4,221 |
| Toluene | µg/L | Monitoring Only | |
| Xylene | µg/L | Monitoring Only | |
| Volatile and Semi-volatile Organics | µg/L | Monitoring Only | |
| Remaining Priority Toxic Pollutants | µg/L | Monitoring Only | |
| **Outfall 002** | | | |
| Zinc | µg/L | 47 | 95 |
| Ammonia | mg/L | Monitoring Only | |
| Total Nitrogen | µg/L as N | 163 | 328 |
| Total Phosphorus | µg/L as P | 24.5 | 49.1 |
| Biochemical Oxygen Demand (5-day) | mg/L | Monitoring Only | |
| Chemical Oxygen Demand | mg/L | Monitoring Only | |
| Total Suspended Solids | mg/L | Monitoring Only | |
| Total Dissolved Solids | mg/L | Monitoring Only | |
| Salinity | ppt | Monitoring Only | |
| Temperature | °C | Monitoring Only | |

[1]*Monitoring locations, frequency, and sample type are specified in Part II of this permit.*
[2]*Not Applicable*

# Part II. MONITORING AND REPORTING REQUIREMENTS

## A. Monitoring and Reporting

1. Monitoring Station Locations

The permittee shall monitor its discharges at the following sampling points to demonstrate compliance with the effluent limitations in Table 1 of this permit.

Table 2. Description of Sampling Points

| Outfall No. | Sampling Point Name | Sampling Point Description |
|---|---|---|
| 002 | 002B/BX | Oil/water separator with bypass for Area B, Loading Rack |
| 002 | 002C | Oil/water separator for Area C, Tank Farm |
| 002 | 002D | Oil/water separator for Area D, Tank Farm |
| 003 | 003 | Oil/water separator for Area F, Fuel Dock |

2. Monitoring Frequency and Sample Type by Sampling Point

The permittee shall monitor its discharges at each sampling point according to the frequency and sample type described in tables 3, 4 and 5.

Table 3. Monitoring Requirements for Sampling Point **002B/BX**[1]

| Parameter | Units | Monitoring Frequency | Sample Type |
|---|---|---|---|
| Flow | MGD | Weekly | Estimate[2] |
| Oil & Grease | mg/L | Monthly | Grab |
| pH | Standard Units | Weekly | Grab[2] |
| Turbidity | NTU | Weekly | Grab[2] |
| Lead | µg/L | Monthly | Grab |
| Zinc | µg/L | Monthly | Grab |
| Benzene | µg/L | Monthly[3] | Grab |
| Ethylbenzene | µg/L | Monthly | Grab |
| Toluene | µg/L | Monthly[3] | Grab |
| Xylene | µg/L | Monthly[3] | Grab |
| Total Nitrogen | µg/L as N | Monthly | Grab |
| Total Phosphorus | µg/L as P | Monthly | Grab |
| Volatile and Semi-volatile Organics[4] | µg/L | Quarterly[5] | Grab |
| Remaining Priority Toxic Pollutants | µg/L | Annually | Grab |

[1]*Samples shall be taken when process wastewaters, such as tank bottom water draws or hose pressure hydro test waters, are released for discharge through the sampling point. In addition, samples shall be taken when storm water discharges through the sampling point.*

[2]*Flow, pH and turbidity shall be taken as field measurements at the time of sampling.*

[3]*After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for this parameter may be reduced to quarterly.*

[4]*Attachment D provides a list of volatile and semi-volatile organic compounds to be monitored.*

[5]*After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for this parameter may be reduced to semi-annually.*

Table 4. Monitoring Requirements for Sampling Points **002C and 002D**[1]

| Parameter | Units | Monitoring Frequency | Sample Type |
|---|---|---|---|
| Flow | MGD | Weekly | Estimate[2] |
| Oil & Grease | mg/L | Monthly | Grab |
| pH | Standard Units | Weekly | Grab[2] |
| Turbidity | NTU | Weekly | Grab[2] |
| Lead | µg/L | Monthly | Grab |
| Zinc | µg/L | Monthly | Grab |
| Benzene | µg/L | Monthly[3] | Grab |
| Ethylbenzene | µg/L | Monthly | Grab |
| Toluene | µg/L | Monthly[3] | Grab |
| Xylene | µg/L | Monthly[3] | Grab |

| | | | |
|---|---|---|---|
| Ammonia | mg/L | Monthly[3] | Grab |
| Total Nitrogen | µg/L as N | Monthly | Grab |
| Total Phosphorus | µg/L as P | Monthly | Grab |
| Biochemical Oxygen Demand (5-day) | mg/L | Monthly[3] | Grab |
| Chemical Oxygen Demand | mg/L | Monthly[3] | Grab |
| Total Suspended Solids | mg/L | Monthly[3] | Grab |
| Total Dissolved Solids | mg/L | Monthly[3] | Grab |
| Salinity | ppt[4] | Monthly | Discrete[2] |
| Temperature | °C | Monthly[5] | Discrete |
| Volatile and Semi-volatile Organics[6] | µg/L | Quarterly[7] | Grab |
| Remaining Priority Toxic Pollutants | µg/L | Annually | Grab |

*[1]Samples shall be taken when process wastewaters, such as tank bottom water draws or hose pressure hydro test waters, are released for discharge through the sampling point. In addition, samples shall be taken when storm water discharges through the sampling point.*

*[2]Flow, pH, turbidity, and salinity shall be taken as field measurements at the time of sampling. Salinity shall be measured by refractometer.*

*[3]After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for this parameter may be reduced to quarterly.*

*[4] "ppt" is parts per thousand.*

*[5]Temperature and pH shall be measured at the time of ammonia sampling.*

*[6]Attachment D provides a list of volatile and semi-volatile organic compounds to be monitored.*

*[7]After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for this parameter may be reduced to semi-annually.*

Table 5. Monitoring Requirements for Sampling Point **003** [1]

| Parameter | Units | Monitoring Frequency | Sample Type |
|---|---|---|---|
| Flow | MGD | Weekly | Estimate[2] |
| Oil & Grease | mg/L | Monthly | Grab |
| pH | Standard Units | Weekly | Grab[2] |
| Turbidity | NTU | Weekly | Grab[2] |
| Lead | µg/L | Monthly | Grab |
| Benzene | µg/L | Monthly[3] | Grab |
| Ethylbenzene | µg/L | Monthly | Grab |
| Toluene | µg/L | Monthly[3] | Grab |
| Xylene | µg/L | Monthly[3] | Grab |
| Volatile and Semi-volatile Organics[4] | µg/L | Quarterly[5] | Grab |
| Remaining Priority Toxic Pollutants | µg/L | Annually | Grab |

*[1]Samples shall be taken when process wastewaters, such as tank bottom water draws or hose pressure hydro test waters, are released for discharge through the sampling point. In addition, samples shall be taken when storm water discharges through the sampling point.*

[2]*Flow, pH and turbidity shall be taken as field measurements at the time of sampling.*

[3]*After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for this parameter may be reduced to quarterly.*

[4]*Attachment D provides a list of volatile and semi-volatile organic compounds to be monitored.*

[5]*After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for this parameter may be reduced to semi-annually.*

3. Sampling

a) Samples and measurements taken as required in this permit shall be representative of the volume and nature of the monitored discharge. Samples shall be taken when process wastewaters, such as tank bottom water draws or hose pressure hydro test waters, are released for discharge through the sampling point. In addition, samples shall be taken when storm water discharges through the sampling point.

b) If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. In no event shall the permittee be required to monitor and record data more often than twice the frequencies listed in the monitoring requirements. If there is no discharge, monitoring is not required.

4. General Monitoring and Reporting

a) All monitoring shall be conducted in accordance with 40 CFR 136 test methods, unless otherwise specified in this permit. For effluent analyses required in Table 1 of this permit, the permittee shall utilize 40 CFR 136 test methods with method detection limits (MDLs) and minimum levels (MLs) that are lower than the effluent limits in Table 1 of this permit and the water quality criteria concentrations in the American Samoa Water Quality Standards. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Effluent analyses for metals shall measure "total recoverable metal," except as provided under 40 CFR 122.45(c).

b) Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report (DMR) forms, as follows:

1) For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

   The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
   *NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
   *NODI (B)*, if the maximum value of all analytical results is less than the laboratory's MDL.

2) For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:

   The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
   *NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
   *NODI (B)*, if the maximum value of all analytical results is less than the laboratory's MDL.

3) For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:

   The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.

c) As an attachment to each DMR form, the permittee shall report for all parameters with monitoring requirements specified in Table 1 of this permit: the test method number or title and published MDL or ML; the test method number or title and preparation procedure used by the laboratory, the laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR 136, the standard deviation (S) from the laboratory's MDL study, and the number of replicate analyses (n) used to compute the laboratory's MDL; and the laboratory's lowest calibration standard.

d) In addition to information requirements specified under 40 CFR 122.41(j)(3) (see Standard Permit Conditions, attachment A to this permit, paragraph A.10(c)), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.

e) All monitoring results shall be submitted in such a format as to allow direct comparison with the effluent limits, monitoring requirements, and conditions of this permit. Effluent monitoring results must be reported on EPA Form 3320-1, a pre-printed Discharge Monitoring Report form ("DMR") provided by the EPA Region 9 DMR Coordinator for NPDES. A DMR form must be submitted for the reporting period even if there was not any discharge. DMR forms shall be submitted on the 28th day of the month following the previous quarterly reporting period. For example, under quarterly submission, the three DMR forms for January, February, and March are due on April 28th.

Duplicate signed copies of these, and all other reports required herein, shall be submitted to EPA and ASEPA at the following addresses, unless otherwise specified in this permit:

NPDES Data Team (WTR-1)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Director
ASEPA
P.O. Box PPA
Pago Pago, American Samoa 96799

f) The Discharger has the option to submit all monitoring results in the electronic reporting format approved by U.S. EPA. The Discharger may submit DMRs electronically using EPA's NetDMR application. NetDMR is a national tool for regulated Clean Water Act permittees to submit discharge monitoring reports (DMRs) electronically via a secure Internet application to U.S. EPA. By using NetDMR, dischargers can discontinue mailing hard copy forms under 40 CFR 122.41 and 403.12.

g) After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for benzene, toluene, xylene, ammonia, biochemical oxygen demand, chemical oxygen demand, total suspended solids, and total dissolved solids may be reduced to quarterly.

h) After two years from the effective date of this permit, if the permittee has performed all monitoring in accordance with the conditions of this permit, results indicate concentrations in the effluent do not demonstrate reasonable potential to exceed water quality standards, and upon approval by EPA, monitoring frequency for volatile and semi-volatile organics may be reduced to semi-annual.

5. Quality Assurance (QA) Manual

a) The permittee shall develop a Quality Assurance (QA) Manual for the field collection and laboratory analysis of samples. **The QA Manual must be submitted to EPA and ASEPA for approval within 30 days and be implemented within 90 days of the effective date of this permit.** The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. At a minimum, the QA Manual shall include the following:

1) Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;

2) Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control (QC) samples; preservatives and holding times for the samples (see 40 CFR 136.3); consistent sample labeling, chains of custody, and shipping procedures considering sample temperature and holding time requirements.

3) Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and

4) Discussion of how the permittee will perform data review and reporting of results to EPA and how the permittee will resolve data quality issues and identify limits on the use of data.

b) Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by EPA upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.

**B. Priority Toxic Pollutants Scan**

The permittee shall conduct **quarterly** monitoring for the volatile and semi-volatile organic compounds listed in Attachment D using EPA methods 624 and 625. The permittee shall also conduct **annual** monitoring for the remaining priority toxics pollutants. This monitoring will ensure that the discharge does not contain toxic

pollutants in concentrations that may cause a violation of water quality standards. Samples shall be taken from sampling points 002C and 002D when process wastewaters, such as tank bottom water draws or hose pressure hydro test waters, are released for discharge through the discharge point. Samples shall also be taken at sampling points 002B/BX and 003. The permittee shall perform all effluent sampling and analyses for the priority pollutants scan in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit or by USEPA. 40 CFR 131.36 provides a complete list of Priority Toxic Pollutants.

### C. Outfall Visual Monitoring

The permittee shall conduct weekly visual monitoring of Outfalls 002 and 003 for oily sheen, foam, or other floatables. Visual observations shall be conducted when process wastewater, such as tank bottom water draws or hose pressure hydrotest waters, are released to the outfalls. Visual observations shall also be conducted when storm water flows through the outfalls. The permittee shall keep a record of any observations of sheen, foam, or other floatables and report the findings as an attachment to the Discharge Monitoring Reports.

### D. Twenty-four Hour Reporting of Noncompliance

In accordance with 40 CFR 122.41(l)(6), the permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally, within 24 hours from the time the permittee becomes aware of the circumstances, to EPA and ASEPA. The permittee shall notify EPA and ASEPA at the following telephone numbers:

Pacific Islands Office, CED-6
EPA - Region IX
(415) 972-3767

Director
ASEPA
(684) 633-2304

A written submission shall be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause and the period of noncompliance, including exact dates and times. If noncompliance has not been corrected, the written submission shall contain the anticipated time the noncompliance is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

## Part III. REOPENER PROVISIONS

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

# Part IV. STANDARD CONDITIONS

The permittee shall comply with all Standard Conditions included as an attachment to this permit.

# Part V. SPECIAL CONDITIONS

## A. Pollution Prevention Plan Requirements

1. In accordance with section 304(e) of the CWA and 40 CFR 122.44(k), the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices ("BMPs") designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute significant amounts of such pollutants to surface waters. The permittee shall develop (or update) and implement a Pollution Prevention Plan (the "Plan") that describes the pollution prevention measures or BMPs that specifically apply to the facility.

2. The Plan must identify the potential sources of pollution which may reasonably be expected to affect the quality of the effluent discharges from the facility; describe and ensure implementation practices which will be used to reduce the pollutants in effluent discharges from the facility; and assure compliance with the terms and conditions of this permit. **The Plan must be submitted to EPA and ASEPA for approval within 30 days and be implemented within 90 days of the effective date of this permit.** The Plan requirements are based on EPA's *Proposed Reissuance of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities: Notice*, dated December 1, 2005 (Federal Register, Vol. 70, No. 230), and on the circumstances of the facility.

3. The Plan shall include the following contents:
   a. The identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the Plan.

   b. A description of the facility that includes:

      (1) a description of the nature of the industrial activity(ies) at the facility;

      (2) a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility; and

      (3) a drainage site map identifying the directions (using arrows) of storm water and non-storm water flow; location of areas where storm water and non-storm water co-mingle, if applicable;

locations of all existing structural BMPs and all surface water bodies; locations of potential pollutant sources and locations of significant materials and activities (e.g., fueling stations, vehicle and equipment cleaning areas, loading/unloading areas, locations used for treatment, storage and disposal of wastes, processing and storage areas, liquid storage tanks, location of transfer of substance in bulk, etc.) that exposed to precipitation; and locations of storm water outfalls.

c. The name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.

d. A summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate non-storm water effluent and those that are exposed to storm water (e.g., on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas); and a list of associate pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity.

e. A description of existing and planned BMPs for storm water and non-storm water controls; the Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to storm water or generate non-storm water; selection of BMPs should take into consideration the quantity and nature of the pollutants, and their potential to impact the water quality of the receiving water, non-structural and structural BMPs must include, but are not limited to the following:

(1) <u>Good housekeeping</u>:

a) the permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges;

b) Vehicle and equipment storage areas must be regularly inspected and cleaned for spills and leaks (including storm inlets); and have spill response equipment (e.g., drip pans, sorbent pads) to respond immediately to spills or leaks;

c) Vehicle and equipment fueling areas must have measures that prevent or minimize contamination of storm water runoff from these areas such as covering the fueling area, using spill/overflow protection and cleanup equipment, using proper cleaning methods instead of hosing down area, minimizing runon/runoff to fueling areas, and treating and/or recycling collected storm water and non-storm water runoff;

d) Material storage areas with storage vessels (e.g., for used oil/oil filters, cleaning solvents, hydraulic fluids, petroleum and oil-related products) must be maintained to prevent contamination of storm water; examples include storing the materials indoors and installing berms/dikes around area(s); these areas shall have proper storage of all fluids, including greases, used oil, cleaning solvents, hydraulic and transmission fluids, in accordance with local and federal laws;

e) Vehicle and equipment (e.g., tank, fuel lines) cleaning areas must have measures that prevent or minimize contamination of storm water runoff from all areas used for vehicle and equipment cleaning; these areas should have appropriate containment and/or diversionary structures or equipment to ensure wash water is discharged to the sanitary sewer or is filtered and recycled where feasible; and

f) Vehicle and equipment maintenance areas must have measures that prevent or minimize contamination of storm water runoff from all areas used for vehicle and equipment maintenance such as performing maintenance activities indoor; using drip pans, and treating and/or recycling storm water and non-storm water runoff.

(2) Minimizing exposure: where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff.

(3) Preventive maintenance: the Plan must describe the facility's preventive maintenance program that includes timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters; all BMPs listed in the Plan must be maintained in effective operating condition to control source runoff.

(4) Spill prevention and response procedures: the permittee is required to develop and implement a Spill Prevention, Control and Countermeasure Plan in accordance with 40 CFR 112; the Plan must describe the procedures that will be followed for cleaning up spills or leaks and for disposal of oil and hazardous waste; measures for cleaning up spills or leaks and disposal of such materials must be consistent with applicable RCRA regulations at 40 CFR 264 and 265 and CWA regulations at 40 CFR 112 and must be in conformance with ASEPA guidelines and/or regulations promulgated by the EQC.

(5) Routine facility inspections: the Plan must have qualified personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water and non-storm water (i.e., storage areas for vehicles/equipment awaiting maintenance, fueling areas, vehicle/equipment maintenance areas, material storage areas, line-flushing area, vehicle/equipment cleaning areas, and loading/unloading area, location(s) of oil/water separators, storm drains, etc.); inspections must include an evaluation of existing BMPs; the Plan must identify how often the inspections are to occur.

(6) Employee training: the Plan must describe the storm water and non-storm water training program for the facility; topics should include spill response, good housekeeping and material management practices, proper fueling practices, proper painting or sandblasting procedures for the removal of paint, and must identify periodic dates for such training; training must be provided to all employees that operate in areas where industrial materials or activities generate non-storm water or are exposed to storm water; employee training shall occur at least once per year.

(7) Sediment and erosion control: the Plan must identify the areas of the facility that have a potential for significant soil erosion; and the Plan must describe the structural, vegetative, and/or stabilization BMPs that are or will be implemented to limit erosion.

(8) Management of runoff: the Plan must describe the traditional storm water and non-storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility; these BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water or non-storm water discharges from the site; examples include oil/water separators and retention basins.

f. A copy of this permit.

4. The Plan must have management approval and be maintained and amended whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.

5. The Plan must be maintained and amended whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.

6. The Plan must be retained on-site and be made available, upon request, for review at the time of an EPA or ASEPA inspection.

## Part VII. ATTACHMENTS

Attachment A: Standard Permit Conditions

Attachment B: Definitions, Acronyms, and Abbreviations

Attachment C: Fact Sheet

Attachment D: List of Volatile and Semi-volatile Organic Compounds

# ATTACHMENT A: Standard Permit Conditions

## A. All NPDES Permits

In accordance with 40 CFR 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

1. Duty to comply; at 40 CFR 122.41(a).

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

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

   b) The CWA provides that 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 $25,000 per day for each violation. The CWA 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 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. 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. 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 note more than $250,000 or imprisonment of not more than 15 years, or both. In the case of 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, such as defined in section 309(c)(3)(iii) of the CWA, 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.

c) 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 such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

2. Duty to reapply; at 40 CFR 122.41(b).

   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.

3. Need to halt or reduce activity not a defense; at 40 CFR 122.41 (c).

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

4. Duty to mitigate; at 40 CFR 122.41(d).

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

5. Proper operation and maintenance; at 40 CFR 122.41(e).

   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 backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6. Permit actions; at 40 CFR 122.41(f).

   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.

7. Property rights; at 40 CFR 122.41(g).

   This permit does not convey any property rights of any sort, or an exclusive privilege.

8. Duty to provide information; at 40 CFR 122.41(h).

   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. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

9. Inspection and entry; at 40 CFR 122.41(i).

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

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

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

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

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

10. Monitoring and records; at 40 CFR 122.41(j).

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

    b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the

sample measurement, report or application. This period may be extended by request of the Director at any time.

c) Records of monitoring information shall include:

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

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

3) The date(s) analyses were performed

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

5) The analytical techniques or methods used; and

6) The results of such analyses.

d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.

e) The CWA 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.

11. Signatory requirement; at 40 CFR 122.41(k).

a) All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22.)

b) The CWA 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.

12. Reporting requirements; at 40 CFR 122.41(l).

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

1) The alternation or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source 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 40 CFR 122.42(a)(1).

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

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

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

d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

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

2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

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

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

f) Twenty-four hour reporting.

1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g).)

(B) Any upset which exceeds any effluent limitation in the permit.

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

3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR 122.41(l)(1)(ii) of this section if the oral report has been received within 24 hours.

g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR 122.41(l)(1), (4), (5), and (6), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph f (2) of this section.

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

13. Bypass; at 40 CFR 122.41(m).

a) Definitions.

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

2) "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.

b) 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 40 CFR 122.41(m)(3) and (m)(4).

c) Notice.

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

2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph 12(f) of this section (24-hour notice).

d) Prohibition of bypass.

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

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

(C) The permittee submitted notices as required under paragraph 13(c) of this section.

2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 13(d)(1) of this section.

14. Upset; at 40 CFR 122.41(n).

a) Definition. "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 cause by operational error, improperly

designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 14(c) 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.

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

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

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

3) The permittee submitted notice of the upset as required in paragraph 12(f) of this section (24 hour notice).

4) The permittee complied with any remedial measures required under paragraph 4 of this section.

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

**B. Standard Conditions Established by EPA Region 9 for All NPDES Permits**

1. Duty to reapply; at 40 CFR 122.21(d).

a) Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

b) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that: (1) the Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.

2. Signatories to permit applications and reports; at 40 CFR 122.22.

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

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

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

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

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

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

1) The authorization is made in writing by a person described in paragraph (a) of this section;

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

position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

3) The written authorization is submitted to the Director.

c) Changes to authorization. If an authorization under paragraph (b) of this section 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 (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d) Certification. Any person signing a document under paragraph (a) or (b) of 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. "

3. Transfer of permits; at 40 CFR 122.61.

a) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

b) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

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

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

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

4. Minor modifications of permits; at 40 CFR 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures in 40 CFR 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR 124 draft permit and public notice as required in 40 CFR 122.62. Minor modifications may only:

a) Correct typographical errors;

b) Require more frequent monitoring or reporting by the permittee.

c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;

e) Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR 122.29.

f) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits

g) Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.

5. Termination of permits; at 40 CFR 122.64.

a) The following are causes for terminating a permit during its term, or for denying a permit renewal application:

1) Noncompliance by the permittee with any conditions of the permit;

2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

b) The Director shall follow the applicable procedures in 40 CFR 124 or 22 of this chapter, as appropriate (or State procedures equivalent to part 124) in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW (but not by land application or disposal into a well), the Director may terminate the permit by notice to the permittee. Termination by notice shall be effective 30 days after notice is sent, unless the permittee objects within that time. If the permittee objects during that period, the Director shall follow 40 CFR 124 of this chapter or applicable State procedures for termination. Expedited permit termination procedures are not available to permittees that are subject to pending State and/or Federal enforcement actions including citizen suits brought under State or Federal law. If requesting expedited permit termination procedures, a permittee must certify that it is not subject to any pending State or Federal enforcement actions including citizen suits brought under State or Federal law. State-authorized NPDES programs are not required to use part 22 of this chapter procedures for NPDES permit terminations.

6. Availability of Reports; pursuant to CWA section 308

   Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

7. Removed Substances; pursuant to CWA section 301

   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 entering waters of the U.S.

8. Severability; pursuant to CWA section 512

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 remainder of this permit, shall not be affected thereby.

9. Civil and Criminal Liability; pursuant to CWA section 309

   Except as provided in permit conditions on "Bypass" and "Upset", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

10. Oil and Hazardous Substances Liability; pursuant to CWA section 311

    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 CWA.

11. State, Tribe, or Territory Law; pursuant to CWA section 510

    Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

## ATTACHMENT B: Definitions, Acronyms, and Abbreviations

The "**average monthly limit (AML)**" is 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. A "composite" sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 mL. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

A "**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.

A "**DMR**" is a "**Discharge Monitoring Report**" that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.

A "**grab**" sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

The "**maximum daily limit (MDL)**" is the highest allowable discharge measured during a calendar day or 24-hour period representing a calendar day.

The "**method detection limit**" or "**MDL**" is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by a specific laboratory method in 40 CFR 136. The procedure for determination of a laboratory MDL is in 40 CFR 136, Appendix B.

The "**minimum level**" or "**ML**" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA's draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-

specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:

a) For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.

b) For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10n, where n is zero or an integer. (For example, if an MDL is 2.5 μg/L, then the calculated ML is: 2.5 μg/L x 3.18 = 7.95 μg/L. The multiple of (1, 2, or 5) x 10n nearest to 7.95 is 1 x 10(1) = 10 μg/L, so the calculated ML, rounded to the nearest whole number, is 10 μg/L.)

A "**NODI(B)**" means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory's MDL.

A "**NODI(Q)**" means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory's MDL, but less than the ML.

# ATTACHMENT C: Fact Sheet

# ATTACHMENT D: List of Volatile and Semi-volatile Organic Compounds

For analysis by EPA Methods 624 & 625

## Method 624

Benzene
Bromodichloromethane
Bromoform
Bromomethane
Garbon tetrachloride
Chlorobenzene
Chloroethane
2-Chloroethylvinyl ether
Chloroform
Chloromethane
Dibromochloromethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethane
trans-1,2-Dichloroethene
1,2-Dichloropropane
cis-1,3-Dichloropropene
trans-1,3-Dichloropropene
Ethyl benzene
Methylene chloride
1,1,2,2-Tetrachloroethane
Tetrachloroethene
Toluene
1,1,1-Trichloroethene
1,1,2-Trichloroethene
Trichloroethane
Trichlorofluoromethane
Vinyl chloride

## Method 625

**Base/Neutral Extractables**

2,6-Dinitrotoluene
Di-n-octylphthalate
Endosulfan sulfate
Endrin aldehyde
Fluoranthene
Fluorene
Heptachlor
Heptchlor epoxide
Hexachlorobenzene

Hexachlorobutadiene
Hexachloroethane
Indeno(1,2,3-cd)pyrene
Isophorone
Naphthalene
Nitrobenzene
N-Nitrosodi-n-propylamine
PCB-1016
PCB-1221
PCB-1232
PCB-1242
PCB-1248
PCB-1254
PCB-1260
Phenanthrene
Pyrene
Toxaphene
1,2,4-Trichlorobenzene

**Acid Extractables**
4-Chloro-3-methylphenol
2-Chlorophenol
2,4-Dichlorophenol
2,4-Dimethylphenol
2,4-Dinitrophenol
2-Methyl-4,6-dinitrophenol
2-Nitrophenol
4-Nitrophenol
Pentachlorophenol
Phenol
2,4,6-Trichlorophenol

**Additional Extractable Parameters**
Benzidine
β-BHC
δ-BHC
Endosulfan I
Endosulfan II
Endrin
Hexachlorocylopentadiene
N-Nitrosodimethylamine
N-Nitrosodiphenylamine