Issuance Date:	05/27/2010
Effective Date:	07/01/2010
Expiration Date:	06/30/2015
Modification Issuance Date	01/05/2024
Modification Effective Date	01/08/2024
Application for Permit Renewal Due	12/31/2014

Idaho Pollutant Discharge Elimination System Discharge Permit No. ID0020168

Idaho Department of Environmental Quality

Water Quality Division
IPDES Program
1410 N. Hilton
Boise, ID 83706

In compliance with the provisions of the State of Idaho Environmental Protection and Health Act Title 39, Chapter 1, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program" (IDAPA 58.01.25) and the Federal Water Pollution Control Act (Clean Water Act) Title 33 United States Code, Section 1251 *et seq*.

City of Jerome
Wastewater Treatment Plant
152 East Ave A
Jerome, Idaho 83338

is authorized to discharge in accordance with the permit conditions that follow.

Facility Location: Jerome, ID 83338	Receiving Water: J8 Canal	
Outfall Name: 001	Latitude: 42° 43' 45" N	Longitude: 114° 32' 10" W
Treatment Type: Secondary		

Mary Anne Nelson, PhD
Administrator, Surface and Wastewater Division

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Authorization to Discharge Under the National Pollutant Discharge Elimination System

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

CITY OF JEROME
Wastewater Treatment Plant
152 East Ave A
Jerome, Idaho 83338

is authorized to discharge from a facility located in the City of Jerome, Idaho, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	J8 Canal	42^0 43' 45" N	114^0 32' 10" W

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

This permit shall become effective July 1, 2010.

This permit and the authorization to discharge shall expire at midnight, June 30, 2015.

The permittee shall reapply for a permit reissuance on or before December 31, 2014, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this day of May 27, 2010,

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

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Schedule of Submissions

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

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be submitted by the 10th day of the month. (see Part III.B).
2. Operation and Maintenance (O&M) Plan	The permittee must provide EPA and IDEQ with written notification that the Operations and Maintenance Plan has been developed or updated and is being implemented within 180 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and IDEQ upon request (see Part II.A).
3. Quality Assurance Plan (QAP)	The permittee must provide EPA and Idaho Department of Environmental Quality (IDEQ) with written notification that the Quality Assurance Plan has been developed and implemented within 90 days after the effective date of the final permit (see Part II.B.). The Plan must be kept on site and made available to EPA and IDEQ upon request (see Part II.B).
4. Best Management Practices (BMP) Plan.	The permittee must provide EPA and IDEQ with written notification that the Plan has been updated and implemented within 180 days after the effective date of the final permit (see Part II.C.). The Plan must be kept on site and made available to EPA and IDEQ upon request (see Part II.C).
5. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone to (206) 553-1846 within 24 hours after the time the permittee becomes aware of the certain circumstances. (See Part III.G)
6. Emergency Response and Public Notification Plan	The permittee must provide EPA and IDEQ with written notification that the Plan has been updated and implemented within 180 days after the effective date of the final permit (see Part II.E).
7. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the final permit (see Part V.B).
8. Pretreatment Annual Report	The Report must be submitted to the pretreatment coordinator no later than March 1st of each calendar year for data for the previous pretreatment year, February 1 through January 31 (see Appendix A, Part H.).

I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall specified herein to the J8 Canal, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring Requirements

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

See notes at the end of the table.

Table 1

Effluent Limitations and Monitoring Requirements

	Effluent Limitations			Monitoring Requirements		
Parameter	**Average Monthly Limit**	**Average Weekly Limit**	**Maximum Daily Limit**	**Sample Location**	**Sample Frequency**	**Sample Type**
Flow, mgd	---	---	---	Effluent	Continuous	Recording
Biochemical Oxygen Demand (BOD_5)	30 mg/L	45 mg/L	---	Effluent	3/week	24-hour composite
	≥85% removal	---	---	Influent and Effluent[1]	---	Calculation[2]
	750 lbs/day	1,100 lbs/day	---	Effluent	3/week	Calculation[3]
Total Suspended Solids (TSS)	30 mg/L	45 mg/L	---	Effluent	3/week	24-hour composite
	≥85% removal	---	---	Influent and Effluent[1]	---	Calculation[2]
	750 lbs/day	1,100 lbs/day	---	Effluent	3/week	Calculation[3]
E. coli Bacteria	126 colonies/ 100 mL[4]	---	406 colonies/ 100 mL[5]	Effluent	3/week	Grab

Table 1

Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitations			Monitoring Requirements		
	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit	Sample Location	Sample Frequency	Sample Type
pH	6.5 – 9.0			Effluent	1/day	Grab
Total Phosphorus	204.5 lbs/day	377 lbs/day	---	Effluent	1/week	24-hour composite
Total Residual Chlorine	0.5 mg/L[6]	---	1.0 mg/L	Effluent	5/week	Grab
Ammonia-Nitrogen	---	---	---	Effluent	2/month	24-hour composite
Nitrate-Nitrite-Nitrogen	---	---	---	Effluent	2/month	24-hour composite
Nitrite-Nitrogen	---	---	---	Effluent	2/month	24-hour composite
Nickel	---	---	---	Effluent	1/two months	grab
Zinc	---	---	---	Effluent	1/two months	grab
NPDES Application Form 2A Effluent Testing Data	---	---	---	Effluent	3x/5 years	See footnote 7
NPDES Application Form 2A Expanded Effluent Testing[8]	---	---	---	Effluent	1 each in 2nd, 3rd, & 4th years of the permit	24-hr composite
NPDES Application Form 2A WET	---	---	---	Effluent	4x/5 years See Footnote 9	24-hour composite

[1] Influent and effluent composite samples shall be collected during the same 24-hour period.
[2] Percent removal is calculated using the following equation: ((average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration))x100.
[3] Loading is calculated by multiplying the concentration (mg/L) by the flow (mgd) on the day sampling occurred and a conversion factor of 8.34.
[4] The monthly average for *E. coli* is the geometric mean of all samples taken during the month.

[5]This is an instantaneous maximum limit, applicable to each grab sample without averaging.
[6]The chlorine limits apply and the monitoring is required only when chlorine is being used
[7]For Effluent Testing Data, in accordance with instructions in NPDES Application Form 2A, Part B.6.
[8]See NPDES Permit Application Form 2A, Part D for the list of pollutants to include in this testing.
[9] For WET testing, in accordance with instructions in NPDES Application Form 2A, Part E.

2. The permittee must report within 24 hours to EPA at (206) 553-1846 any violation of the maximum daily limits for total residual chlorine or of the instantaneous maximum limit for *E. coli.* The permittee must report violations of all other effluent limits at the time that discharge monitoring reports are submitted (See Part III.B and Part III.G, below).
3. The permittee must not discharge deleterious materials in concentrations that impair beneficial uses of the receiving water.
4. The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water.
5. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
6. For all effluent monitoring , the permittee must use methods that can achieve a MDL less than the effluent limitation.
7. For purposes of reporting on the Discharge Monitoring Report (DMR) for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."
8. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If the average value is equal to or greater than the ML, the permittee must report the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.

C. Whole Effluent Toxicity Testing Requirements

The permittee must conduct chronic toxicity tests on effluent samples from Outfall 001. Testing must be conducted in accordance with subsections 1 through 4, below.

1. Toxicity testing must be conducted on 24-hour composite samples of effluent. In addition, a split of each sample collected must be analyzed for the chemical and physical parameters required in Part I.B, above. When the timing of sample collection coincides with that of the sampling required in § I.B, analysis of the split sample will fulfill the requirements of Part I.B as well.

2. Chronic Test Species and Methods

   a) Chronic tests must be conducted in accordance with instructions in NPDES Application Form 2A, Part E.

   b) The permittee must conduct chronic toxicity tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test); method 1002.0 in EPA/821-R-02-013, and the fathead minnow, *Pimephales promelas* (larval survival and growth test; method 1000.0 in EPA/821-R-02-013).

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

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

      (i) For all chronic survival endpoints under methods 1002.0 and 1000.0 (i.e., *C. dubia* survival and *P. promelas* larval survival), TUc is equal to 100/NOEC

      (ii) For all other chronic endpoints, TUc is equal to 100/IC25.

      (iii) IC25 means 25% inhibition concentration. The IC25 is a point estimate of the toxicant concentration, expressed in percent effluent, that causes a 25% reduction in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (e.g., Interpolation Method).

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

3. Quality Assurance

   The toxicity testing on each organism must include a series of five test dilutions and a control, with a dilution factor of 0.5. The dilution series must include the receiving water concentration (RWC), which is the dilution associated with the chronic toxicity (i.e. 25%); two dilutions above the RWC (i.e., 50% and 100% effluent), and two dilutions below the RWC. (i.e., 12.5% and 6.25%). The RWC is 25 percent.

   a) All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA/821-R-02-013, October 2002, and individual test methods (i.e. 1000.0 and 1002.0).

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

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

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

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

4. Reporting

a) Results of toxicity tests must be reported on the next Discharge Monitoring Report (DMR) after receiving the results of the test.

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

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

II. Special Conditions

A. Operation and Maintenance Plan

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

B. Quality Assurance Plan (QAP)

The permittee must develop and implement a quality assurance plan (QAP) for all monitoring required by this permit within 90 days of the effective date of this permit. The permittee must submit written notice to EPA and IDEQ that the Plan has been developed and implemented within 90 days of the effective date of this permit. Any existing QAPs may be modified for compliance with this section.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAP must include the following:
   a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
   b) Map(s) indicating the location of each sampling point.
   c) Qualification and training of personnel.
   d) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be kept on site and made available to EPA or IDEQ upon request.

C. Best Management Practices Plan

1. The permittee must maintain and update as needed the Best Management Practices Plan (BMP Plan), which was implemented under the last permit.
2. Within 180 days after the effective date of the final permit, the permittee must provide written notice to EPA and IDEQ that the BMP plan has been updated and is being implemented.
3. The BMP Plan must be retained on site and made available to EPA and IDEQ upon request.
4. The BMP Plan must include pollution prevention measures which prevent, or minimize, the potential for the release of nutrients to the Middle Snake River. The BMP must be consistent with the Municipal Industry Management Actions of the Middle Snake River Watershed Management Plan (Table 30). The description of management controls must address, to the extent practicable, the following minimum components:
   a) Research, develop and implement a public information and education program;
   b) Water conservation
   c) Land application of treated effluent

d) Land application of biosolids

e) Storm water pollution prevention

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

D. Control of Undesirable Pollutants and Industrial Users

N/A

Please see Appendix A for Pretreatment Requirements, which replaces requirements in "Control of Undesirable Pollutants and Industrial Users."

E. Emergency Response and Public Notification Plan

1. The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed

any effluent limitation in the final permit. At a minimum the plan must include mechanisms to:

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

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

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

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

e) Provide for continued operation during emergencies.

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

III. Monitoring, Recording and Reporting Requirements

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

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

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

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

B. Reporting of Monitoring Results

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly by the 10th day of the following month. The permittee must sign and certify all

DMRs, and all other reports, in accordance with the requirements of Part V.E of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to IDEQ at the following addresses:

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

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

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

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

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a

period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
   a) any noncompliance that may endanger health or the environment;
   b) any unanticipated bypass that exceeds any effluent limitation in the permit (See § IV.F., "Bypass of Treatment Facilities");
   c) any upset that exceeds any effluent limitation in the permit (See § IV.G., "Upset Conditions"); or
   d) any violation of a maximum daily or instantaneous maximum effluent limitation for applicable pollutants listed in the permit to be reported within 24 hours (See Part I.B).
   e) any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
   a) a description of the noncompliance and its cause;
   b) the period of noncompliance, including exact dates and times;
   c) the estimated time noncompliance is expected to continue if it has not been corrected; and
   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
   e) if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part III.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. Notice of New Introduction of Toxic Pollutants

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

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

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

IV. Compliance Responsibilities

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $32,500 per day for each violation).
2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act,

administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500). Pursuant to 40 CFR §19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500).

3. Criminal Penalties:

   a) Negligent Violations. The Act provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

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

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

   d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such

person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

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

2. Required Notice.

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

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

3. Prohibition of bypass.

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

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

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

      (iii) The permittee submitted notices as required under Paragraph 2 of this Part.

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

G. Upset Conditions

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

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

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

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

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

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

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

H. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that

establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

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

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

J. Anticipated Noncompliance

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

K. Reopener

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

V. General Provisions

A. Permit Actions

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

B. Duty to Reapply

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

has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

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

D. Other Information

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

E. Signatory Requirements

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

1. All permit applications must be signed as follows:
    a) For a corporation: by a responsible corporate officer.
    b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
    c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    a) The authorization is made in writing by a person described above;
    b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
    c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.
3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2. must be submitted to the Director of the Office of Compliance and Enforcement and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

F. Availability of Reports

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

G. Inspection and Entry

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

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

H. Property Rights

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

I. Transfers

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

J. State Laws

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

VI. Definitions

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Average monthly effluent limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
4. "Average weekly effluent limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Composite" - see "24-hour composite".
8. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
9. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
10. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.

11. "DMR" means discharge monitoring report.
12. "EPA" means the United States Environmental Protection Agency.
13. "Geometric Mean" means the nth root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
14. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
15. "IC_{25}" means the inhibition concentration, the concentration of the effluent, that would cause a 25 percent reduction in a non-lethal biological measurement, e.g. reproduction or growth)
16. "IDEQ" means the Idaho Department of Environmental Quality.
17. "Interference" is defined in 40 CFR 403.3.
18. "LC_{50}" means the concentration of toxicant (e.g., effluent) which is lethal to 50 percent of the test organisms exposed in the time period prescribed by the test.
19. "Maximum daily effluent limitation" means the highest allowable "daily discharge."
20. "Method Detection Limit (MDL)" means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
21. "Minimum Level (ML)" means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.
22. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
23. "Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
24. "POTW" means publicly owned treatment works, i.e. the permittee.
25. "QA/QC" means quality assurance/quality control.
26. "Regional Administrator" means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
27. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the

absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

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

30. "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.

31. "24-hour composite" sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24 hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Appendix A: Pretreatment Requirements

The permittee must require any nondomestic user of its treatment works to comply with the applicable requirements in 40 CFR 403 through 471 and the POTW's pretreatment program.

The permittee must implement its pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels, and financial provisions described in its original pretreatment program submission approved on March 16, 2022, any program amendments submitted thereafter and approved by DEQ, and the general pretreatment regulations (40 CFR 403) and any amendments thereof.

A. Implementation

At a minimum, the permittee must carry out the following activities:

1. Enforce general pretreatment program prohibitions as set forth in 40 CFR 403.5(a) and (b), categorical pretreatment standards promulgated pursuant to CWA § 307(b) and (c) (where applicable), and local limits and best management practices (BMPs) developed by the permittee in accordance with 40 CFR 403.5(c), whichever are more stringent and are applicable to nondomestic users discharging wastewater into the permittee's collection system. Locally derived limits must be defined as pretreatment standards under CWA § 307(d).

2. Implement and enforce the requirements of the most recent local law and regulations (e.g., municipal code, sewer use ordinance) addressing the regulation of nondomestic users.

3. Update its master list of nondomestic users at a frequency and diligence adequate to ensure proper identification of nondomestic users subject to pretreatment standards, but no less than once per year. The master list must be submitted with the pretreatment annual report. The permittee must notify these users of applicable pretreatment standards in accordance with 40 CFR 403.8(f)(2)(iii).

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

5. Develop and maintain a data management system designed to track the status of the permittee's nondomestic user inventory, wastewater characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee must retain all records relating to its pretreatment program activities for a minimum of 5 years, as required by 40 CFR 403.12(o) and must make such records available to DEQ upon request.

6. Establish, where necessary, legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements in 40 CFR 403 by industrial users within these jurisdictions. These legally binding agreements must identify the agency responsible for the various pretreatment implementation and enforcement activities in the contributing jurisdiction and outline the specific roles, responsibilities and pretreatment activities of each jurisdiction.

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

8. Require SIUs to conduct wastewater sampling as specified in 40 CFR 403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater but no less than twice per year. Sample collection and analysis must be performed in accordance with 40 CFR 403.12(b)(5)(ii) through (v) and 40 CFR 136. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternatives, the permittee must require the SIU to submit documentation to determine compliance with the standard. If the permittee elects to conduct all nondomestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this bullet, and the requirements of 40 CFR 403.12(g).

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

10. Publish, at least annually, in a newspaper (or newspapers) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of all nondomestic users that, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR 403.8 (f)(2)(viii). A copy of these publications must be submitted in the pretreatment annual report.

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

12. Conduct an analysis annually to determine whether influent pollutant loadings are approaching the maximum allowable headworks loadings calculated in the permittee's most recent local limits calculations. The results of this analysis must be reviewed as outlined in Section 7.1.1 of the 2004 EPA Local Limits Guidance using threshold values of 60% for annual average pollutant concentrations and 80% for annual maximum pollutant concentrations.

B. General Pretreatment Program Prohibitions

The permittee must not allow introduction of the following pollutants into the POTW:

1. Pollutants that will create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60 ºC (140 ºF) using the test methods specified in 40 CFR 261.21;

2. Pollutants that may cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0, unless the treatment facilities are designed to accommodate such discharges;

3. Solid or viscous pollutants in amounts that may cause obstruction to the flow in the POTW (including the collection system) resulting in interference;

4. Any pollutant, including oxygen-demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration that may cause interference with the POTW;

5. Heat in amounts that may inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 ºC (104 ºF) unless DEQ, upon request of the POTW, approves alternate temperature limits;

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through;

7. Pollutants that may result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

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

C. Accidental Spill Prevention and Slug Discharges

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

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

2. SIUs must be evaluated for the need for a plan or other action to control slug discharges within 1 year of being designated an SIU [40 CFR 403.8(f)(2)(vi)].

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

D. Enforcement Requirement

Whenever DEQ finds, on the basis of any available information, that the owner or operator of any source is introducing a pollutant into the POTW in violation of national pretreatment standards, including prohibited discharges, local limits, or categorical standards, or has caused interference or pass-through, DEQ may notify the owner or operator of the POTW of such violation. If, within 30 days after such notification has been sent by DEQ to the POTW, the POTW fails to commence appropriate enforcement action to correct the violation, DEQ may take appropriate enforcement action under the authority provided in CWA § 309(f).

E. Modification of the Pretreatment Program

If the permittee elects to modify any components of its pretreatment program, it must comply with the requirements of 40 CFR 403.18. No substantial program modification, as defined in 40 CFR 403.18(b), may be implemented prior to receiving written authorization from DEQ. The permittee must submit program modification requests to the IPDES Pretreatment Coordinator via the IPDES E-Permitting System.

F. Local Limits Evaluation

After permit reissuance, the permittee will be required to submit a complete local limits evaluation pursuant to 40 CFR 403.5. The local limits evaluation may be required sooner if any of the following occur:

- A new industrial user(s) begins a discharge that may significantly impact the POTW, including, but not limited to:
    - the flow is ≥5% of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
    - the flow represents a 25% or greater increase in total industrial flow to the POTW, or
    - the discharge contains elevated levels of pollutants for which there are established local limits or permit limits, or
    - the discharge contains a pollutant(s) of concern new to the POTW
- An existing industrial user(s) modifies their discharge in a manner that may significantly impact the POTW as above,
- Changes or upgrades occur to the POTW's operations or treatment capacities.

For additional guidance regarding when a local limits evaluation is required, contact the IPDES Pretreatment Coordinator. The evaluation must take into account water quality in the receiving stream, inhibition levels for biological processes in the treatment plant, and sludge quality goals. The evaluation must address the following pollutants if present in the discharge: arsenic, BOD5, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, phosphorus, selenium, silver, TSS, zinc, and any other pollutant of concern. The permittee must address total ammonia as N if the POTW accepts indirect discharges of ammonia. Submitted results of the evaluation must include proposed local limits, maximum allowable headworks loadings, all supporting calculations, and all assumptions.

Upon submission of the local limits evaluation, the pretreatment coordinator will review the submission in accordance with 40 CFR 403.18. Non-substantial modifications to local limits may

be implemented after 45 days unless DEQ notifies the permittee that the modification is disapproved or determines that the modification is substantial. Substantial modifications include, but are not limited to, less stringent local limits or decreases in the maximum allowable headworks or industrial loadings.

Local limits evaluations resulting in substantial modifications to the permittee's pretreatment program may be submitted to the pretreatment coordinator for review prior to official submission of the local limits evaluation or pretreatment program modification request through the IPDES E-Permitting System.

G. Pretreatment Monitoring

The permittee's pretreatment program requires monitoring influent and effluent at the locations described in Table 1. The permittee must sample the influent and effluent for the pollutants, frequency, and sample type in Table A-1 and report the results on an annual basis in the pretreatment report. To the extent that the timing of sampling coincides with sampling required for influent or effluent testing required by Table 1, these results will satisfy the requirements of effluent parameter testing.

Table A-1. Pretreatment monitoring for influent and effluent.

Pollutant [a]	CAS Number.	Sample Frequency	Sample Type	Report
Arsenic (total) [b]	7440382	Once per year between April and June and once per year between October and December, on 3 consecutive days between Monday and Friday, inclusive.	24-hour composite	Daily values
Cadmium [b]	7440439			
Chromium (total) [b]	7440473			
Copper [b]	7440508			
Lead [b]	7439921			
Mercury [b]	7439976			
Molybdenum	7439987			
Nickel [b]	7440020			
Selenium	7782492			
Silver [b]	7440224			
Zinc [b]	7440666			
Cyanide (total) [b,c]	57125			
Phosphorus	7723140			
Ammonia (as N)	7664417			

Notes: CAS = Chemical Abstracts Service

[a] All metals must be analyzed for total concentration unless otherwise specified.

[b] For influent and effluent pretreatment sampling of arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, and zinc, the permittee must use EPA-approved analytical methods that are sufficiently sensitive.

[c] When sampling for cyanide, eight discrete grab samples must be collected over the operating day with samples collected no less than 1 hour apart. Each sample must be at least 100 mL. Each sample must be checked for the presence of chlorine and/or sulfides prior to preserving and compositing (Standards Method 4500-CN B). If chlorine and/or sulfides are detected, the sample must be treated to remove any trace of these parameters. After testing and treating for the interference compounds, the pH of each sample must be adjusted, using sodium hydroxide, as specified in 40 CFR 136. Each sample can then be composited into a larger container that is kept chilled to ≤6 °C, to allow for one analysis for the day.

In addition to the monitoring specified in Table A-1 once during each monitoring period, the permittee must perform chemical analyses of its influent for all specific toxic organic pollutants listed in Table II of Appendix D of 40 CFR 122. The analysis must align with the following:

1. Sample type—The samples must be 24-hour composites, except when sampling volatiles.

2. Volatile organic compounds sampling—Eight discrete samples must be collected over a 24-hour day using 40-mL volatile organic analysis (VOA) vials with Teflon septa. During sampling, the flow from the discharge will be controlled to produce smooth laminar flow to prevent agitation and aeration of the sample. The VOA vials will be filled to the top such that there is a meniscus present. There must be no visible air space or air bubbles in the VOA vials when capped. A single analysis for volatile pollutants may be run for each monitoring day by compositing equal volumes of the individual discrete VOA vials (at the analytical laboratory using extreme care not to introduce air/air bubbles) directly into the gas chromatograph (GC) purge and trap apparatus, with no less than 1 mL of each grab included in the composite. The composite sample must be analyzed immediately.

3. If the sum of the concentrations for each toxic organic pollutant listed in Table II of Appendix D of 40 CFR 122, which is found in the influent at a concentration greater than 10 micrograms per liter, is greater than 1000 micrograms per liter, then the effluent and sludge must also be analyzed for each toxic organic pollutant listed in Table II of Appendix D of 40 CFR 122 during the next pretreatment monitoring period. This requirement also becomes effective if, from one monitoring period to the next, the sum of the toxic organic pollutants in the influent increases by an order of magnitude from the previous sample. This increased monitoring must continue until the triggering condition no longer applies, or upon DEQ's approval.

4. Gas chromatograph/mass spectrometer (GC/MS) analysis—In addition to analyzing for pollutants specified listed in 40 CFR 122, Appendix D ,Table II , the permittee must make a reasonable attempt using GC/MS analytical techniques to identify and quantify the 10 most abundant constituents of each extract (excluding toxic organic pollutants in 40 CFR 122, Appendix D ,Table II and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms). Identification must be attempted through the use of EPA and NIST/EPA/NIH Mass Spectral Library, with visual confirmation by an experienced analyst. Quantification may be an order-of-magnitude estimate based upon comparison with an internal standard.

5. Sample handling—All samples must be prepared, preserved, shipped, and analyzed in accordance with the QAPP and sections II.B. and III.C. and D.

The permittee must sample sludge according to Table A-2 as the sludge leaves the dewatering device or digesters and report the results on an annual basis in the pretreatment report.

Table A-2. Pretreatment monitoring for sludge.

Pollutant [a]	CAS Number	Sample Frequency	Sample Type	Report
Arsenic (total) [b]	7440382	Once per year between April and June and once per year between October and December, on 3 consecutive days between Monday and Friday, inclusive.	Grab	Daily values
Cadmium [b]	7440439			
Copper [b]	7440508			
Lead [b]	7439921			
Mercury [b]	7439976			
Molybdenum [b]	7439987			
Nickel [b]	7440020			
Selenium [b]	7782492			
Zinc [b]	7440666			
Percent Solids	N/A			

Notes: CAS = Chemical Abstracts Service; N/A = not applicable
[a] Metals concentrations in sludge must be reported in mg/kg, dry weight.
[b] All metals must be analyzed for total concentration unless otherwise specified.

H. Pretreatment Annual Report

The permittee must submit a pretreatment annual report pursuant to 40 CFR 403.12(i) by **March 1** each year that describes the permittee's program activities over the period February 1 of the previous year through January 31 of the current year. This report must be submitted through the IPDES E-Permitting System.

The pretreatment report must include the following:

1. User Inventory—An updated nondomestic user inventory, including names and addresses, a list of those facilities that are no longer discharging (with explanation), and new indirect dischargers appropriately categorized and characterized. CIUs should have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard. The list must also identify users subject to reduced reporting requirements and those that are nonsignificant CIUs, if applicable.

    a) Listing of nondomestic users whose permits have been issued, reissued, or modified during the report year along with current permit expiration dates.

2. Wastewater and Sludge Sampling Results—Collected at the POTW as specified in section 7.

    a) Calculations of removal rates for each pollutant for each day of sampling.

    b) Analysis and discussion of whether the existing local limits in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass-through of pollutants that could affect water quality or sludge quality. This should include a comparison between influent loadings

and the most recent relevant maximum allowable headworks loadings calculated for the treatment plant. If existing local limits are inadequate to prevent treatment plant interference or pass-through, the permittee must complete a local limits evaluation and revise local limits sufficient to prevent treatment plant interference or pass-through.

3. Compliance and Inspection Activities

a) Listing of nondomestic users inspected and/or monitored during the report year with dates and an indication of compliance status.

b) Listing of nondomestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.

4. Treatment Plant Upsets—A description of any interference, pass-through, upset, or IPDES permit violations experienced at the POTW that were directly or indirectly attributable to nondomestic users, including the following:

a) Date and time of incident;

b) Description of the effect on the POTW's operation;

c) Effects on the POTW's effluent and biosolids quality;

d) Identification of suspected or known sources of the discharge causing the upset; and

e) Steps taken to remedy the situation and to prevent recurrence.

5. Status of Enforcement Activities— including:

a) Listing of nondomestic users who failed to comply with applicable pretreatment standards and requirements, including the following:

(i) Summary of the violation(s).

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

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

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

a) DEQ may require more frequent reporting on those dischargers determined to be in significant noncompliance.

7. Status of Program Implementation

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

b) Listing of nondomestic users notified of promulgated pretreatment standards and/or local standards during the report year as required in 40 CFR 403.8(f)(2)(iii).

c) Listing of nondomestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.