

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

SUNSHINE PRECIOUS METALS, INCORPORATED
P.O. Box 1080
Kellogg, Idaho 83837

is authorized to discharge from the tailings pond (Outfall 001) to the South Fork Coeur d'Alene River, and the antimony plant/silver-copper refinery head tank (Outfall 002) and Price Tunnel Diversion Dam (Outfall 003) to Big Creek, in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective **September 9, 1991**.

This permit and the authorization to discharge shall expire at midnight,
September 9, 1996.

Signed this 8th day of August, 1991


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

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Tailings Pond Discharge - Outfall 001.

During the period beginning on the effective date of this permit, and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001 to the South Fork of the Coeur d'Alene River at a point 84 feet upstream of the confluence of Big Creek with the South Fork Coeur d'Alene River, subject to the following limitations and monitoring requirements.

- Such discharge shall be limited as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS ^{1/}			MONITORING REQUIREMENTS ^{2/}		
	Monthly Avg. lb./day	Daily Max. lb./day	Monthly Avg. mg/l	Daily Max. mg/l	Measurement Frequency	Sample Type
Flow - mgd	-	-	-	2.8	Daily	-
Antimony (Sb)	7.5	15.9	0.320	0.681	5/week	Grab
Arsenic (As)	6.7	14.1	0.286	0.602	5/week	Grab
Cadmium (Cd)	1.2	2.5	0.051	0.106	5/week	Grab
Copper (Cu)	4.5	9.0	0.192	0.387	5/week	Grab
Gold (Au)	-	0.002	-	0.0001	5/week	Grab
Iron (Fe)	26.0	46.7	1.115	2.000	5/week	Grab
Lead (Pb)	6.4	12.8	0.274	0.550	5/week	Grab
Manganese (Mn)	11.7	20.7	0.503	0.886	5/week	Grab
Mercury (Hg)	0.05	0.1	0.0020	0.0043	5/week	Grab
Nickel (Ni)	2.2	3.5	0.093	0.149	5/week	Grab
Silver (Ag)	0.6	1.1	0.025	0.048	5/week	Grab
Zinc (Zn)	14.1	28.6	0.605	1.227	5/week	Grab
Total Suspended Solids	467	738	20.0	31.6	Daily	Grab
Oil & Grease	-	-	Non-Detectable ^{3/}	Non-Detectable ^{3/}	Weekly	Grab
Total Hardness (as CaCO ₃)	-	-	-	-	Weekly	Grab

1/ All parameter limitations are expressed in units of "mg/l", except for flow which is expressed in "mgd" and pH which is expressed in "pH units".

2/ All samples shall be analyzed on an individual "total" parameter basis.

3/ Samples shall be analyzed using gravimetric method 413.1 in EPA's Methods for Chemical Analysis.

2. The pH shall not be less than 6.0 nor greater than 9.5 standard units, and shall be monitored daily on a grab sample.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
4. At any time that the permittee demonstrates to the reasonable satisfaction of the EPA that levels of pollutants in the discharge are lower on non-operating days than on operating days, or that fewer samples per week accurately describe the discharge, EPA will authorize monitoring on a less frequent basis, with the understanding that at any time EPA desires sampling at the frequency specified in this permit to resume, permittee shall comply upon receipt of written notice from EPA.
5. The use of cyanide based froth flotation reagents in the mill is not allowed except under the following conditions:
 - a. The company notifies the permit issuing authority of their intention to use cyanide based reagent(s).
 - b. Cyanide concentration in the Outfall 001 discharge does not exceed a non-detectable level of 0.02 mg/l.
 - c. During the period of cyanide based reagent use, total cyanide in the discharge shall be monitored on a weekly basis and the results submitted with the monthly discharge monitoring reports required in Part II.C.
6. The following production figures shall be maintained for each day of operation:

Production Facility Monitoring Parameters

Antimony Plant	Antimony metal produced (lb/day)
Silver Refinery	Silver sponge produced (troy oz/day)
Copper Refinery	Cathode grade copper produced (lb/day)

- (Conversion of respective production data on an annual basis to monthly and daily figures for the previous year is allowed. Submittal of production data is not required unless requested by the permit issuing authority.)
7. Samples taken in compliance with the monitoring requirements shall be taken at the following location: In the effluent stream at the tailings pond discharge pipe prior to discharge into the South Fork Coeur d'Alene River.
 8. At any time that Sunshine demonstrates in a scientifically sound manner that the mine drainage wastestream contains higher concentrations of Sb and As than those on which this permit is based, Sunshine may apply to EPA for an increase in the foregoing permit parameters for antimony and arsenic attributed to this increase. EPA shall grant the increase in parameters, if in the exercise of EPA's reasonable discretion, EPA believes the increases are warranted by the facts but only up to the treatability levels.

B. Antimony Plant/Silver-Copper Refinery Head Tank Discharge - Outfall 002.

During the period beginning on the effective date of this permit, and lasting through the expiration date, the permittee is authorized to discharge from Outfall 002 to Big Creek, subject to the following limitations and monitoring requirements.

1. Such discharge shall be limited as specified below:

EFFLUENT CHARACTERISTIC DISCHARGE LIMITATIONS MONITORING REQUIREMENTS^{1/}

	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - mgd	-	0.3600	Weekly	-
Temperature - °F.	-	-	Weekly	Grab
Oil & Grease - mg/l	6	10	Weekly	Grab

2. No metals or arsenic contamination of this water shall result from Sunshine's activities.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units, and shall be monitored weekly on a grab sample.
4. The discharge and intake water supply shall be monitored on a weekly grab basis for specific conductance.
5. There shall be no discharge of floating solids or visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
6. Samples taken in compliance with the monitoring requirements shall be taken at the following location:
 In the effluent stream at the discharge pipe prior to discharge into Big Creek.

^{1/} During periods of high Big Creek flow when, for safety reasons, the permittee is unable to sample the Outfall 002 discharge directly, the permittee is allowed to use an alternative option which provides for sampling of all of the required effluent characteristics, except flow, directly in the pipe from the Antimony Plant/Silver-Copper Refinery Head Tank. (During these periods, the flow monitoring requirements are waived.)

C. Price Tunnel Diversion Dam Discharge - Outfall 003.

During the period beginning on the effective date of this permit, and lasting through the expiration date, the permittee is authorized to discharge from Outfall 003 to Big Creek, subject to the following limitations and monitoring requirements.

1. Such discharge shall be limited as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>
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<u>Measurement Frequency</u>	<u>Sample Type</u>
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Quarterly	-
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<u>Monthly Average</u>	<u>Daily Maximum</u>
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0.0423	0.2160
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Flow - mgd

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units, and shall be monitored quarterly on a grab sample.
3. The discharge shall be monitored on a quarterly grab basis for the following parameters: antimony, arsenic, cadmium, copper, lead, mercury, zinc, and total suspended solids (TSS). The arsenic and metal samples shall be analyzed on an individual "total recoverable" parameter basis.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
5. Samples taken in compliance with the monitoring requirements shall be taken at the following location: In the effluent stream at the discharge pipe prior to discharge into Big Creek.

D. Receiving Water Quality Monitoring Requirements.

1. Within 3 months of the effective date of this permit, the permittee shall implement a receiving water quality monitoring program which meets the following specifications:
 - a. Monitoring stations shall be established at the following locations.
 - (1) Big Creek upstream of the Sunshine Water Supply Dam intake.
 - (2) Mouth of Big Creek.
 - (3) South Fork Coeur d'Alene River upstream of the Outfall 001 discharge.
 - (4) South Fork Coeur d'Alene River downstream of the confluence with Big Creek.
 - b. Receiving water sampling shall be conducted during August of each year and the sampling day each year shall be selected to coincide with a day that outfall discharge sampling is being conducted on the discharges. The discharges shall be sampled for all of the parameters and effluent characteristics identified in the respective effluent monitoring requirements above.
 - c. Stream (grab) samples shall be collected from the outfall discharge side of the streams and the following parameters shall be sampled and analyzed for each monitoring station: pH, temperature (°F.), oil & grease, antimony, arsenic, cadmium, copper, iron, lead, manganese, nickel, mercury, silver, zinc, TSS, and total hardness (as CaCO₃). The arsenic and metal samples shall be analyzed on an individual "total recoverable" parameter basis.
 - d. Receiving water and discharge sampling results shall be submitted the month after sampling with the monthly DMR.
2. The permittee shall visually observe the discharge and river on a weekly basis, and shall report the number of days precipitate is observed on the river bottom in the DMR cover letter. The weekly observations shall be performed on the same day each week.

E. Tailings Pond Seepage Study

Within 60 days of permit issuance, a tailings pond seepage study plan shall be submitted to EPA for review. The purpose of the study is to determine if there is excessive seepage from the pond, and if such seepage is adversely affecting the water quality of Big Creek or the South Fork Coeur d'Alene River.

The study plan shall include as a minimum, water quality monitoring of Big Creek and the river during periods of low stream flow. The analytical method to be employed shall be either the Inductively Coupled Plasma Atomic Emission Spectrometric (ICP) or AA (Furnace) test procedures as outlined in the EPA Methods for Chemical Analysis of Water and Wastes. Monitoring of the South Fork Coeur d'Alene River required by Part I.D. above may be utilized to satisfy part of the study requirements. The plan may include a water budget analysis which, by accurately measuring surface inflow, outflow, and evaporation allows estimates of water loss through the bottom of the pond. A schedule for conducting the study shall also be included.

Except for any portions of the plan disapproved in writing by EPA within 45 days of the date the plan is received by EPA, the study shall be implemented in accordance with the established schedule.

If results of the study indicate excessive seepage is occurring or that seepage is causing negative water quality impacts, this permit may be reopened to incorporate seepage control requirements.

F. River Precipitate Investigation

The permittee shall collect samples of any precipitate on the River bottom, and shall analyze such precipitate to determine its chemical constituents. Such determination shall be completed within three months of the effective date of this permit, or within three months of the first date the precipitate occurs, if it does not exist at the time the permit becomes effective.

G. Definitions.

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
2. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
3. "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.
4. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
5. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
6. "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.
7. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
8. "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.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I. shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. The mercury samples shall be analyzed using the Cold Vapor Technique (Atomic Absorption Spectrophotometer-AA) test procedure. Gold samples shall be analyzed using the AA (Furnace) test procedure. And the samples for arsenic and all of the other metals shall be analyzed using either the Inductively Coupled Plasma Atomic Emission Spectrometric (ICP) or AA (Furnace) test procedures. All of these test procedures are outlined in the EPA Methods for Chemical Analysis of Water and Wastes.

All other monitoring must be conducted according to test procedures approved under 40 CFR Part 136.

- C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 14th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.H., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

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

copy to: Idaho Department of Health and Welfare (IDHW-DEQ)
Division of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

- D. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- E. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- F. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- G. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
 - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553-1213.
 4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.
- H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.
- I. Inspection and Entry. The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

- J. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I.) shall be submitted no later than 10 days following each schedule date.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

1. Civil Penalty. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$25,000 per day for each violation.
2. Criminal Penalties:
 - a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
 - b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
 - c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.

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

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

- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
 - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

- A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/l);
 - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 ug/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.
- C. Anticipated Noncompliance. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

This permit may be reopened at the request of IDHW-DEQ to (1) include conditions to correct the precipitate problem, (2) to incorporate the results of a TMDL study, or (3) to address a change in cold water biota beneficial use criteria from future to current.

- E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- H. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

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

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.H.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

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

- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

V. OTHER REQUIREMENTS

Septic Tank Pumping. All septic tanks used by the permittee to provide preliminary treatment of domestic wastes shall be pumped periodically as needed and the pumpings shall be disposed of in such a manner that no pollutants are discharged to waters of the United States.