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Permit No.: WA-002103-2
Issuance Date: January 8, 2007
Effective Date: March 1, 2007
Expiration Date: February 29, 2012

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-002103-2

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

CITY OF SELAH
115 WEST NACHES AVENUE
SELAH, WASHINGTON 98942

Plant Location: 222 South Railroad Avenue
Selah, WA 98942

Receiving Water: Selah Ditch flowing into the
Yakima River, at River Mile 117.1

Water Body I.D. No.:
WA-39-1110

Discharge Location:
Latitude: 46° 38' 55" N
Longitude: 120° 31' 34" W

Plant Type: Class III, Activated Sludge,
Industrial Waste Pretreatment, Chlorination

is authorized to discharge in accordance with the special and general conditions that follow.

Denise Mills, LHG
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	April 15, 2007
S3.E.	Noncompliance Notification	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.D.	Notification of New or Altered Sources	As necessary	
S4.E.4.	Infiltration and Inflow Evaluation	1/permit cycle	July 1, 2009
S4.F.	Waste load Assessment	1/permit cycle	March 1, 2011
S5.G.	Operations and Maintenance Manual Update	1/permit cycle	March 1, 2010
S6.D.	Industrial User Survey	1/permit cycle	March 1, 2011
S8.	Application for permit renewal	1/permit cycle	February 28, 2011
S9.A.	Acute Toxicity Characterization	2/permit cycle	Sampling performed January 2010 and July 2010
S9.A.	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	February 28, 2011
S10.A.	Chronic Toxicity Characterization	2/permit cycle	Sampling performed January 2010 and July 2010
S10.A.	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	February 28, 2011
S11.A.	Chemical Analysis of Effluent	3/permit cycle	Sampling performed April 2009 January 2010 July 2010 Data reports July 2009 April 2010 February 28, 2011
S12.B.1.	Scope of Work for Schedule of Compliance	1/permit cycle	July 15, 2007
S12.B.2.	Progress Reports for Schedule of Compliance	2/permit cycle	July 15, 2008 July 15, 2009

Permit Section	Submittal	Frequency	First Submittal Date
S12.B.3.	Final Report for Schedule of Compliance	1/permit cycle	July 15, 2010
G1.	Signature Authorization/Delegation	as necessary	
G4.	Reporting Planned Changes	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G21.	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **March 1, 2007** and lasting through **February 29, 2012** the Permittee is authorized to discharge municipal wastewater to the Selah Ditch at the permitted location subject to complying with the following limitations:

EFFLUENT LIMITATIONS: OUTFALL # 001		
Parameter	Average Monthly ¹	Average Weekly ¹
Biochemical Oxygen Demand (5 day) ²	30 mg/L, 495 lbs/day	45 mg/L, 742 lbs/day
Total Suspended Solids ²	30 mg/L, 500 lbs/day	45 mg/L, 751 lbs/day
Fecal Coliform Bacteria	100 colonies/100 mL	200 colonies /100 mL
pH (standard units)	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0	
Parameter	Daily Maximum ³	
Total Ammonia (as NH ₃ -N)	2.90 mg/L, 48.4 lbs/day	
¹ The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
² The average monthly effluent concentration for BOD ₅ and Total Suspended Solids shall not exceed 30 mg/L or 15 percent of the respective monthly average influent concentrations, whichever is more stringent.		
³ The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. 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 other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		

B. Mixing Zone Descriptions

The boundary of the specially extended chronic mixing zone as defined in the Selah Ditch Multiparameter Total Maximum Daily Load is 3,100 feet downstream from the outfall. The acute mixing zone is 310 feet downstream from the outfall. The acute and chronic dilution factors are 1.0 and 1.13, respectively.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor in accordance with the following schedule:

Parameter	Sample Point	Sampling Frequency	Sample Type
Flow, mgd	Effluent Flow Meter at Control Structure C	Continuous	Measurement
pH	Final Effluent ¹	Daily ²	Grab ³
BOD ₅ , mg/L	Influent Final Effluent	3/week ⁴ 3/week	24-hr. composite ⁵ 24-hr. composite
BOD ₅ , lbs/day	Influent Final Effluent	3/week 3/week	Calculation ⁶ Calculation
BOD ₅ , % removal ⁷	Final Effluent	3/week	Calculation
TSS, mg/L	Influent Final Effluent	3/week 3/week	24-hr. composite 24-hr. composite
TSS, lbs/day	Influent Final Effluent	3/week 3/week	Calculation Calculation
TSS, % removal ⁷	Final Effluent	3/week	Calculation
Temperature, °C	Final Effluent	Daily	Grab
Dissolved Oxygen, mg/L	Final Effluent	Daily	Grab
Total Ammonia, mg/L	Final Effluent	5/week ⁸	Grab
Total Ammonia, lbs/day	Final Effluent	5/week	Calculation
Fecal Coliform, #/100 ml	Final Effluent	3/week	Grab
Acute Toxicity Testing	Final Effluent	2/permit cycle ⁹	Composite
Chronic Toxicity Testing	Final Effluent	2/permit cycle	Composite
Additional Chemical Analysis Effluent	Final Effluent	3/permit cycle	Composite and Grab
Flow, mgd	Industrial Waste Pretreatment Influent	Continuous	Measurement
Flow, mgd	Industrial Waste Pretreatment Effluent	Continuous	Measurement
pH	Industrial Waste Pretreatment Influent	3/week	Grab
pH	Industrial Waste Pretreatment Effluent	3/week	Grab

Parameter	Sample Point	Sampling Frequency	Sample Type
BOD ₅ , mg/L	Industrial Waste Pretreatment Influent	3/week	24-hr. composite
	Industrial Waste Pretreatment Effluent	3/week	24-hr. composite
BOD ₅ , lbs/day	Industrial Waste Pretreatment Influent	3/week	Calculation
	Industrial Waste Pretreatment Effluent	3/week	Calculation
BOD ₅ , % removal ⁷	Industrial Waste Pretreatment Effluent	3/week	Calculation
TSS, mg/L	Industrial Waste Pretreatment Influent	3/week	24-hr. composite
	Industrial Waste Pretreatment Effluent	3/week	24-hr. composite
TSS, lbs/day	Industrial Waste Pretreatment Influent	3/week	Calculation
	Industrial Waste Pretreatment Effluent	3/week	Calculation
¹ “Final Effluent” means wastewater that is exiting, or has exited, the last POTW treatment operation.			
² “Daily” means 7 days per week, including holidays.			
³ “Grab” means an individual sample collected in less than 15 minutes.			
⁴ “3/week” means samples collected three times during each calendar week.			
⁵ “24-hr composite” means a series of, at least, four individual samples collected over a 24-hour period at selected intervals based on an increment of either flow or time, and combined into a single container to be subsequently analyzed as one sample.			
⁶ “Calculation” means mathematically obtained concurrently from respective concentration sample analysis.			
⁷ Comparison of Influent concentration to Final Effluent concentration.			
⁸ 5/week means 5 times during each calendar week, excluding weekends and holidays.			
⁹ Sampling dates are specified in this permit under Summary of Report Submittals.			

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **March 1, 2007**. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. **DMR forms shall be postmarked or received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit.** All toxicity test data shall be submitted **with the permit renewal application** (see Special Condition S9. and S10. for more information on submittal dates).

The report(s) shall be sent to:

**Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902**

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original 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. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of such

monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 509/575-2490, within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part S5.F., "Bypass Procedures");
 - c. any upset that exceeds any effluent limitation in the permit (See G.15, "Upset");
 - d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.; or
 - 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;
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
 - e. if the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.
4. Reports must be submitted to the address in S3. ("REPORTING AND RECORDKEEPING REQUIREMENTS").

F. 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 S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these

requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Department of Ecology inspectors.

S4. FACILITY LOADING

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Design Loadings for the Pretreatment Wastewater Treatment Facility

Average flow for the maximum month	0.40 mgd
Influent BOD ₅ loading for maximum month	4,000 lbs/day
Influent TSS loading for maximum month	1,500 lbs/day
Effluent BOD ₅ loading for maximum month	510 lbs/day
Effluent TSS loading for maximum month	3,750 lbs/day

Design Loadings Wastewater Treatment Facility

Average flow for the maximum month	2.0 mgd
Influent BOD ₅ loading for maximum month	3,300 lbs/day
Influent TSS loading for maximum month	4,400 lbs/day

B. Plans for Maintaining Adequate Capacity

The Permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

- a. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; **or**
- b. The projected increase would reach design capacity within 5 years, whichever occurs first.

If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent

limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity:

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.
4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the Permittee intends to apply for State or Federal funding (administered by Ecology) for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030.

The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and

treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee shall conduct an infiltration and inflow evaluation. Refer to the U.S. EPA publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, PO Box 47600, Olympia, WA, 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.
2. A report shall be prepared which summarizes any measurable infiltration and inflow. If I/I appears significant, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.
3. The portion of the collection system that operates at greater than atmospheric pressure shall be leak tested for exfiltration no later than **April 2009**.
4. The report shall be submitted by **July 1, 2009**.

F. Waste load Assessment

The Permittee shall conduct an assessment of its flow and waste load and submit a report to the Department no later than **March 1, 2011**. The report shall contain the following:

1. an indication of compliance or noncompliance with the permit effluent limitations;
2. a comparison between the existing and design monthly average, peak flows, BOD, and total suspended solids loadings;
3. the percentage increase in these parameters since the report submitted in 2005 with the Wastewater Treatment Facilities Engineering Report;
4. the present and design population or population equivalent;
5. projected population growth rate;
6. the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above.

S5. 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 to achieve compliance with the terms and 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 this permit.

A. Certified Operator

An operator certified for at least a Class III plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class II plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the entire collection and treatment system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the collection system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e.,

mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce its sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least 10 days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause 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.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

- c. The Department is properly notified of the bypass as required in condition S3E of this permit.
3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents

of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

G. Operations and Maintenance Manual

The approved Operations and Maintenance Manual (O&M) shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

An updated O&M Manual shall be prepared by the Permittee in accordance with WAC 173-240-080 and be submitted to the Department for approval **March 1, 2010**. In addition to requirements of WAC 173-240-080 (1) through (5) the updated O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater treatment system upset or failure.
2. Wastewater treatment system maintenance procedures that contribute to the generation of process wastewater.
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater treatment system (e.g., defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).
4. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
5. Maintenance procedures to ensure the ultraviolet disinfection system is in good repair.
6. Collection system maintenance procedures that includes, but is not limited to, proper maintenance of mechanical systems (lift stations), gravity sewers, and pressurized sewers. Leak detection procedures and schedules shall be included.

S6. PRETREATMENT

A. General Requirements

The Permittee shall work with the Department to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with

the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

B. Wastewater Discharge Permit Required

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

C. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30-day period.
3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within 30 days of such change.

D. Industrial User Survey Update

The Permittee shall update the Industrial User Survey submitted to the Department on February 27, 2004. The updated Industrial User Survey shall be received by the Department no later than **March 1, 2011**. The updated survey shall include a list of all new industrial users, as well as existing industrial users that are known or discovered to have significantly altered processes or disposal practices since submittal of the last survey or survey update. For industrial users for which there are potentially significant non-domestic discharges, the minimum information described in section D.1 above for PSIUs shall be obtained and included in the report.

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass

through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.

2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into its treatment works:
 - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
 - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
 - d. Any pollutant, including oxygen demanding pollutants (BOD, e.g.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - e. Petroleum oil, nonbiodegradable cutting oil or products of mineral origin in amounts that will cause interference or pass through.
 - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
 - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
 - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of

direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):

- a. Noncontact cooling water in significant volumes;
 - b. Stormwater and other direct inflow sources; and
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters.

S8. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by **February 28, 2011**.

S9. ACUTE TOXICITY

A. Testing When There Is No Permit Limit for Acute Toxicity

The Permittee must:

- Conduct acute toxicity testing on final effluent during **January 2010** and **July 2010**.
- Submit the results to the Department by **February 28, 2011**.
- Conduct acute toxicity testing on a series of at least five concentrations of effluent, including 100% effluent, and a control.
- Use each of the following species and protocols for each acute toxicity test:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012). The Permittee must choose one of the three species and use it consistently.

B. Sampling and Reporting Requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into the Department's database, then the Permittee must send the data to the Department along with the test report, bench sheets, and reference toxicant results.
2. The Permittee must collect 24-hour composite effluent samples for toxicity testing. The Permittee must cool the samples to 0 to 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.
4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in subsection C. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If the Department determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.
5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in subsection A. or pristine natural water of sufficient quality for good control performance.
6. The Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the acute critical effluent concentration (ACEC).
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing must comply with the acute statistical power standard of 29% as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.

S10. CHRONIC TOXICITY

A. Testing When There Is No Permit Limit for Chronic Toxicity

The Permittee must:

- Conduct chronic toxicity testing on final effluent during **January 2010** and **July 2010**.
- Submit the results to the Department by **February 28, 2011**.
- Conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control. This series of dilutions must include the acute critical effluent concentration (ACEC). The ACEC equals 100% effluent.
- Compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.
- Perform chronic toxicity tests with all of the following species and the most recent version of the following protocols:

Freshwater Chronic Test	Species	Method
Fathead minnow	<i>Pimephales promelas</i>	EPA-821-R-02-013
Water flea	<i>Ceriodaphnia dubia</i>	EPA-821-R-02-013

B. Sampling and Reporting Requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80,

Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into the Department's database, then the Permittee must send the data to the Department along with the test report, bench sheets, and reference toxicant results.

2. The Permittee must collect 24-hour composite effluent samples for toxicity testing. The Permittee must cool the samples to 0 to 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.
4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in subsection C. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If the Department determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.
5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in subsection C. or pristine natural water of sufficient quality for good control performance.
6. The Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the chronic critical effluent concentration (CCEC) and the ACEC. The CCEC equals 88 % effluent. The CCEC and the ACEC may either substitute for the effluent concentrations that are closest to them in the dilution series or be extra effluent concentrations.
8. All whole effluent toxicity tests that involve hypothesis testing must comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.

S11. ADDITIONAL CHEMICAL ANALYSIS OF EFFLUENT

A. General Requirements

The Permittee shall conduct chemical analyses of effluent samples collected from the wastewater treatment system in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section.

Effluent samples shall be analyzed for pollutants listed in EPA Attachment 1-M Municipal Effluent Characterization. The applicable pollutant list is contained in Appendix D of the permit fact sheet.

Effluent sampling shall be timed to coincide with one sampling of the effluent for acute and chronic toxicity. Sampling dates of **April 2009, January 2010 and July 2010** will fulfill the permit renewal scheduling requirements. Data summary reports for the first two sample dates shall be submitted by **July 2009 and April 2010**. A written summary report for all three analyses shall be submitted to the Department by **February 28, 2011**. Results shall be submitted as part of the permit renewal application.

B. Monitoring Requirements

The following samples shall be collected for analyses: three (3) samples of effluent from wastewater treatment, collected **April 2009, January 2010 and July 2010** and at such times that the samples are representative of the treatment works' discharge and take into consideration seasonal variations. Each sample of the effluent shall be representative composite consisting of continuous sampling or six grab samples equally spaced over a 24-hour period.

C. Protocols

Sample analysis shall be conducted in accordance with 40 CFR Part 136.

D. Quality Assurance/Quality Control Procedures

The Permittee shall follow the quality assurance procedures of 40 CFR Part 136.

S12. SCHEDULE OF COMPLIANCE

A. Total Maximum Daily Load

The Permittee shall be in compliance with all wasteload allocations [given in the following table] established in the Selah Ditch Multiparameter Total Maximum Daily Load – Water Quality Improvement Report (June 2006).

Parameter	Wasteload Allocation POTW Effluent
Dissolved Oxygen	7.4 mg/L ^a
Fecal Coliform	113 colony forming units / 100 mL ^b
Temperature	20.6° C ^c (April 1 – October 31) 18.0° C ^c (November 1 – March 31)
BOD ₅	11.3 mg/L ^d
^a To be imposed as a daily minimum limitation March 1, 2012 .	
^b To be imposed as a monthly geometric mean limitation March 1, 2012 .	
^c To be imposed as a daily maximum limitation on April 1, 2017 , if so required after the Effectiveness Monitoring required in the approved <u>Selah Ditch Multiparameter Total Maximum Daily Load – Water Quality Improvement Report</u> . The temperature limitation shall be imposed if the Effectiveness Monitoring, scheduled for the summer of 2016, finds that shade provided by riparian planting is not effective at lowering Selah Ditch's temperature to State Water Quality Standards.	
^d To be imposed as a monthly average limitation by January 1, 2016 , if so required after the Dissolved Oxygen Effectiveness Evaluation. This requirement is given in the approved <u>Selah Ditch Multiparameter Total Maximum Daily Load – Water Quality Improvement Report</u> .	

B. Phthalate Source Identification and Reduction Evaluation

The Permittee shall conduct a bis-(2-Ethylhexyl) phthalate source identification and reduction evaluation. The goals of the study are: (1) to identify significant sources of the pollutant, (2) to identify the entry points into the POTW's collection system, and (3) to develop measures to reduce concentrations of this substance in the POTW's influent. The Evaluation shall consist of three parts: a Scope of Work, Annual Progress Reports, and a Final Report.

B.1. Scope of Work

The Scope of Work shall consist of a detailed plan that describes the methodology the City will use to identify the significant source(s) of bis-(2-Ethylhexyl) Phthalate to the POTW. The Scope of Work shall also contain a schedule of the study's milestones and a monitoring plan, detailed to the extent possible. The Scope of Work shall be submitted to the Department for review and approval by **July 15, 2007**.

B.2. Progress Reports

The Permittee submit Progress Reports that describe: (1) the progress made since the previous report, in detail, and (2) the progress made to fulfill the goals of the study, in more general terms. Progress Reports shall be submitted to the Department no later than **July 15, 2008** and **July 15, 2009**. Progress Reports shall continue to be submitted until: (1) the Final Report is approved by the Department, (2) the end of the permit cycle, or, (3) the Permittee is directed by the Department to stop submitting reports, whichever occurs first.

B.3. Final Report

The bis-(2-Ethylhexyl) Phthalate Source Identification and Reduction Evaluation Final Report shall describe in detail: (1) the study's goals, (2) the methodologies used, and (3) the results of the study. Specifically, (3) shall describe suspected and identified significant sources of contamination, the entry points to the POTW, and any progress made to reduce the contaminant from the POTW. The Final Report shall be submitted to the Department by **July 15, 2010**.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department 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:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering 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.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of

permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

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

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department 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 transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If

this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department 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 submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

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

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

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

G17. DUTY TO COMPLY

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

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water 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 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G22. COMPLIANCE SCHEDULES

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