

Issuance Date: May 19, 2021
Effective Date: July 1, 2021
Expiration Date: June 30, 2026

National Pollutant Discharge Elimination System Waste Discharge Permit No. WA0032166

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
P.O Box 330316
Shoreline, WA 98133-9716

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 1342 et seq.

Ice Floe LLC dba Nichols Brothers Boat Builders
P.O. Box 580
Freeland, WA 98249

is authorized to discharge in accordance with the Special and General Conditions that follow.

Facility Location: 5400 S. Cameron Road Freeland, WA 98249	Receiving Water: Holmes Harbor via infiltration pond
Treatment Type: Electrocoagulation Filtration	SIC Code: 3731
Industry Type: Ship construction and repair	NAICS Code: 336611



Rachel McCrea
Water Quality Section Manager
Northwest 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.

Table 1 Summary of Permit Report Submittals

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report (DMR)	Monthly	August 28, 2021
S3.F	Reporting Permit Violations	As necessary	
S4.A	Operations and Maintenance Manual Update	As necessary	
S4.B	Reporting Bypasses	As necessary	
S5.C	Modification to Solid Waste Plan	As necessary	
S6	Application for Permit Renewal	1/permit cycle	January 1, 2026
S8	Non-Routine and Unanticipated Discharges	As necessary	
S9	Spill Plan update	As Necessary	
S10	Stormwater Pollution Prevention Plan Update	As Necessary	
G1	Notice of Change in Authorization	As necessary	
G4	Permit Application for Substantive Changes to the Discharge	As necessary	
G5	Engineering Report for Construction or Modification Activities	As necessary	
G7	Notice of Permit Transfer	As necessary	
G10	Duty to Provide Information	As necessary	
G21	Compliance Schedules	As necessary	

Special Conditions

S1. Discharge limits

S1.A. Process wastewater discharges

All discharges and activities authorized by this permit must 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 violates the terms and conditions of this permit.

Beginning on the effective date of this permit, the Permittee is authorized to discharge treated stormwater and treated rinse water from potable source and recycled stormwater generated on its site to the receiving water via the infiltration basin subject to complying with the following limits:

Table S1.A Effluent Limits: Outfall 001 Latitude 48.014481 Longitude -122.53863	
Parameter	Maximum Daily ^a
Copper, as Total	5.8 µg/L
Zinc, as Total	95.1 µg/L
Total Petroleum Hydrocarbons diesel range (TPH-D), mg/L	5 mg/L
Turbidity ^b	5 NTU
pH ^c	Daily minimum is equal to or greater than 6.0, and the daily maximum is less than or equal to 9.0 Standard Unit (SU).
Footnote	Information
^a	Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. The average daily measurement does not apply to pH.
^b	The turbidity limit is the maximum daily average calculated based on continuous online turbidimeter readings.

Table S1.A Effluent Limits: Outfall 001 Latitude 48.014481 Longitude -122.53863	
Parameter	Maximum Daily ^a
c	Indicates the range of permitted values. The Permittee must report the maximum and minimum pH measured during the month. Do not average pH values. The maximum and minimum pH must be reported monthly.

The Permittee must not discharge the following wastewaters to waters of the state:

Hydroblast or pressure wash wastewater used for abrasion or cutting, bilge water, hydraulic fluid and oily wastes, ballast water, solvents, maintenance shop wastewater including but not limited to the machine shop, steel storage and fabrication sheds, welding shop, carpentry shop, pipe shop, paint shed, and sandblasting building, and industrial wastewater or process wastewater.

S2. Monitoring requirements

S2.A. Monitoring schedule

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in [40 CFR Part 136](#). If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report the test method, detection limit (DL), and quantitation limit (QL) on the discharge monitoring report or in other required report. If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a QL to Ecology with appropriate laboratory documentation.

Table S2.A: Monitoring schedule ^a			
Parameter	Laboratory Method	Minimum Sampling Frequency	Sample Type
Flow, GPD		1/ Month	Totalizing Flow Meter
Total Petroleum Hydrocarbons Diesel range, (TPH-D), mg/L	NWTPH Dx	1/ Month	Grab ^b

Table S2.A: Monitoring schedule ^a			
Parameter	Laboratory Method	Minimum Sampling Frequency	Sample Type
pH (Standard Units)	SM 4500-H ⁺ B	1/ Month	Grab ^b
Turbidity (NTU)	SM2130 or EPA 180.1	1/ Month	Grab ^b
Chromium, as Total, µg/L	EPA 200.8	1/ Month	Grab
Copper, as Total, µg/L	EPA 200.8	1/ Month	Grab
Zinc, as Total, µg/L	EPA 200.8	1/ Month	Grab
Footnote	Information		
^a	Sampling location must be at the final filtration system before discharge to the infiltration basin.		
^b	Grab means an individual sample collected over a fifteen (15) minute, or less, period.		

S2.B. Sampling and analytical procedures

Samples and measurements taken to meet the requirements of this permit must represent 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 must conform to the latest revision of the [Guidelines Establishing Test Procedures for the Analysis of Pollutants](#) contained in [40 CFR Part 136](#) (or as applicable in [40 CFR subchapter N](#) [Parts 400–471] or [40 CFR subchapter O](#) [Parts 501-503]) unless otherwise specified in this permit. Ecology may only specify alternative methods for parameters without limits and for those parameters without an EPA approved test method in [40 CFR Part 136](#).

S2.C. Flow measurement and continuous monitoring devices

The Permittee must:

1. Select and use appropriate flow measurement and continuous monitoring devices and methods consistent with accepted scientific practices.

2. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard, the manufacturer's recommendation, and approved O&M manual procedures for the device and the wastestream.
3. Calibrate continuous monitoring instruments weekly unless the Permittee can demonstrate a longer period is sufficient based on monitoring records. The Permittee:
 - a. May calibrate apparatus for continuous monitoring of dissolved oxygen by air calibration.
 - b. Must calibrate continuous pH measurement instruments according to the manufacturer's requirements.
4. Establish a calibration frequency for each device or instrument in the O&M manual that conforms to the frequency recommended by the manufacturer.
5. Calibrate flow-monitoring devices at a minimum frequency of at least one calibration per year.
6. Maintain calibration records for at least three years.

S2.D. Laboratory accreditation

The Permittee must ensure that all monitoring data required by Ecology for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of [chapter 173-50 WAC, Accreditation of Environmental Laboratories](#). Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement.

S2.E. Request for reduction in monitoring

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. Ecology will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request.
2. Clearly state the parameters for which it is requesting reduced monitoring.
3. Clearly state the justification for the reduction.

S3. Reporting and recording requirements

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

S3.A. Discharge monitoring reports

The first monitoring period begins on the effective date of the permit (unless otherwise specified). The Permittee must:

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic discharge monitoring report (DMR) form provided by Ecology within the Water Quality Permitting Portal. Include data for each of the parameters tabulated in Special Condition S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.

To find out more information and to sign up go to the [Water Quality Permitting Portal](http://ecyapwq/wqwebportal/) : <http://ecyapwq/wqwebportal/>

2. Ensure that DMRs are electronically submitted no later than the dates specified below, unless otherwise specified in this permit.
3. Submit DMRs for parameters with the monitoring frequencies specified in S2 (monthly, quarterly, annual, etc.) at the reporting schedule identified below. The Permittee must:
4. Submit **monthly** DMRs by the 28th day of the month following the monitoring period.
5. Enter the “No Discharge” reporting code for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.
6. Report single analytical values below detection as “less than the detection level (DL)” by entering < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and quantitation level (QL) identified in the permit, report the actual QL and DL in the comments or in the location provided.
7. Report single analytical values between the detection level (DL) and the quantitation level (QL) by entering the estimated value, the code for estimated value/below quantitation limit (j) and any additional

information in the comments. Submit a copy of the laboratory report as an attachment using WQWebDMR.

8. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in S2.
9. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
 - a. The reported numeric value for all parameters measured between the detection value and the quantitation value for the sample analysis.
 - b. One-half the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.
 - c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for the reporting period.

The Permittee must also submit an electronic copy of the laboratory report as an attachment using WQWebDMR. The contract laboratory reports must also include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter.

S3.B. Permit Submittals and Schedules

The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all other written permit-required reports by the date specified in the permit.

When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to Ecology at:

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
P.O Box 330316
Shoreline, WA 98133-9716

S3.C. Records retention

The Permittee must retain records of all monitoring information for a minimum of three (3) years. Such information must 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. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

S3.D. Recording of results

For each measurement or sample taken, the Permittee must 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.
6. The results of all analyses.

S3.E. Additional monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Special Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR unless otherwise specified by Special Condition S2.

S3.F. Reporting permit violations

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within thirty (30) days of sampling.

a. Immediate reporting

The Permittee must **immediately** report to the Department of Ecology at the number listed below all treatment system failures and discharges of untreated contaminated stormwater or plant bypasses.

Northwest Regional Office 206-594-0000

b. Twenty-four-hour reporting

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at the telephone number listed above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

1. Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
2. Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., "Bypass Procedures").
3. Any upset that causes an exceedance of an effluent limit in the permit (See G.15, "Upset").
4. Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Section S1.A of this permit.
5. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit. This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.

c. Report within five days

The Permittee must also submit a written report within five days of the time that the Permittee becomes aware of any reportable event under subparts a or b, above. The report must contain:

1. A description of the noncompliance and its cause.
2. The period of noncompliance, including exact dates and times.
3. The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
4. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
5. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

d. Waiver of written reports

Ecology may waive the written report required in subpart c, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.

e. All other permit violation reporting

The Permittee must report all permit violations, which do not require immediate or 24 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in subpart c, above. 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.

S3.G. Other reporting

a. Spills of Oil or Hazardous Materials

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of [RCW 90.56.280](#) and [chapter 173-303-145 WAC](#). You can obtain further instructions at [How to Report a Spill](#) at: <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

b. Failure to submit relevant or correct facts

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

S3.H. Maintaining a copy of this permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

S4. Operation and maintenance

The Permittee must, at all times, properly operate and maintain all facilities or 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 keeping a daily operation logbook (paper or electronic), adequate laboratory controls, and appropriate quality assurance procedures. This provision of the permit requires the Permittee to operate backup or auxiliary facilities or

similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

The Permittee must schedule any facility maintenance, which might require interruption of wastewater treatment and degrade effluent quality, during non-critical water quality periods and carry this maintenance out according to the approved O&M manual or as otherwise approved by Ecology.

S4.A. Operations and maintenance (O&M) manual

a. O&M manual submittal and requirements

The Permittee must:

1. Update the O&M Manual as necessary that meets the requirements of [173-240-150 WAC](#).
2. Submit to Ecology for review substantial changes or updates to the O&M Manual.
3. Keep the approved O&M Manual at the permitted facility.
4. Follow the instructions and procedures of this manual.

b. O&M manual components

The O&M Manual must be consistent with the requirements of [WAC 173-240-150](#). The O&M Manual must include:

1. Emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure.
2. A review of system components which if failed could pollute surface water or could impact human health. Provide a procedure for a routine schedule of checking the function of these components.
3. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
4. 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 system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).
5. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.

6. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
7. Treatment process control monitoring schedule.

S4.B. Bypass procedures

A bypass is the intentional diversion of waste streams from any portion of a treatment facility. This permit prohibits all bypasses except when the bypass is for essential maintenance, as authorized in special condition S4.B.1, or is approved by Ecology as an anticipated bypass following the procedures in S4.B.2.

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

This permit allows bypasses for essential maintenance of the treatment system when necessary to ensure efficient operation of the system. The Permittee may bypass the treatment system for essential maintenance only if doing so does not cause violations of effluent limits. The Permittee is not required to notify Ecology when bypassing for essential maintenance. However the Permittee must comply with the monitoring requirements specified in special condition S2.B.

2. Anticipated bypasses for non-essential maintenance

Ecology may approve an anticipated bypass under the conditions listed below. This permit prohibits any anticipated bypass that is not approved through the following process.

- a. If a bypass is for non-essential maintenance, the Permittee must notify Ecology, if possible, at least ten (10) days before the planned date of bypass. The notice must contain:
 - A description of the bypass and the reason the bypass is necessary.
 - An analysis of all known alternatives which would eliminate, reduce, or mitigate the potential impacts from the proposed bypass.
 - A cost-effectiveness analysis of alternatives.
 - The minimum and maximum duration of bypass under each alternative.

- A recommendation as to the preferred alternative for conducting the bypass.
 - The projected date of bypass initiation.
 - A statement of compliance with SEPA.
 - A request for modification of water quality standards as provided for in [WAC 173-201A-410](#), if an exceedance of any water quality standard is anticipated.
 - Details of the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during the project planning and design process. The project-specific engineering report as well as the plans and specifications must include details of probable construction bypasses to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
- c. Ecology will determine if the Permittee has met the conditions of special condition S4.B.2 a and b and consider the following prior to issuing a determination letter, an administrative order, or a permit modification as appropriate for an anticipated bypass:
- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.
 - If the 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. Severe property damage does not mean economic loss caused by delays in production.
 - If feasible alternatives to the bypass exist, such as:
 - The use of auxiliary treatment facilities.
 - Retention of untreated wastes.
 - Stopping production.

- Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
- Transport of untreated wastes to another treatment facility.

S5. Solid wastes

S5.A. Solid waste handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

S5.B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the [State Surface Water Quality Standards, Chapter 173-201A WAC](#), or the [State Ground Water Quality Standards, Chapter 173-200 WAC](#). The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S5.C. Solid waste control plan

The Permittee must submit all proposed revisions or modifications to the solid waste control plan to Ecology for review at least 30 days prior to implementation. The Permittee must comply with the approved solid waste control plan and any modifications.

a. Submittal Requirements

The Permittee must:

1. Update the solid waste control plan to Ecology as necessary.
2. Submit to Ecology any proposed revision or modification of the solid waste control plan for review at least 30 days prior to implementation.
3. Comply with the plan and any modifications.

b. Solid waste control plan content

The solid waste control plan must:

1. Follow [Ecology's guidance for preparing a solid waste control plan](https://apps.ecology.wa.gov/publications/documents/0710024.pdf) (<https://apps.ecology.wa.gov/publications/documents/0710024.pdf>) and address all solid wastes generated by the permittee.
2. Include at a minimum a description, source, generation rate, and disposal methods of these solid wastes.
3. Not conflict with local or state solid waste regulations.

S6. Application for permit renewal or modification for facility changes

The Permittee must submit an application for renewal of this permit by January 1, 2026.

The Permittee must also submit a new application or addendum at least one hundred eighty (180) days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

S7. Facility loading

S7.A. Design criteria

The flows or waste loads for the permitted facility must not exceed the following design criteria:

Table S7.A — Design Criteria for Electrocoagulation and Infiltration Basin	
Parameter	Criteria
Maximum Flow for Electrocoagulation	300 gpm
Maximum Flow to the Infiltration Basin	400 gpm

S8. Non-routine and unanticipated wastewater

1. Beginning on the effective date of this permit, the Permittee is authorized to discharge non-routine wastewater or unanticipated wastewater and therefore not listed on the permit application, on a case-by-case basis if approved by Ecology. Prior to any such discharge, the Permittee must contact Ecology and at a minimum provide the following information:
 - a. The proposed discharge location.
 - b. The nature of the activity that will generate the discharge.

- c. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
 - d. The total volume of water it expects to discharge.
 - e. The results of the chemical analysis of the water.
 - f. The date of proposed discharge.
 - g. The expected rate of discharge discharged, in gallons per minute.
2. The Permittee must analyze the water for all constituents limited for the discharge and report them as required by subpart 1.e above. The analysis must also include any parameter deemed necessary by Ecology. All discharges must comply with the effluent limits as established in Special Condition S1 of this permit, water quality standards, and any other limits imposed by Ecology.
 3. The Permittee must limit the discharge rate, as referenced in subpart 1.g above, so it will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
 4. The discharge cannot proceed until Ecology has reviewed the information provided and has authorized the discharge by letter to the Permittee or by an Administrative Order.

S9. Spill control plan

S9.A. Spill control plan submittals and requirements

The Permittee must:

1. Submit to Ecology an update to the existing spill control plan as necessary.
2. Review the plan at least annually and update the spill plan as needed.
3. Send changes to the plan to Ecology.
4. Follow the plan and any supplements throughout the term of the permit.

S9.B. Spill control plan components

The spill control plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in [WAC 173-303-070](#). Include other materials used and/or stored on-site which may become pollutants or cause pollution upon reaching state's waters.

2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the plan.

The Permittee may submit plans and manuals required by [40 CFR Part 112](#), contingency plans required by [Chapter 173-303 WAC](#), or other plans required by other agencies, which meet the intent of this section. Approval of the Spill Control Plan with respect to this requirement does not constitute approval of the plans and manuals with respect to the underlying requirement.

S10. Stormwater pollution prevention plan

A. General requirements

1. Submission, retention, and availability:

Submit to Ecology for review substantial changes or updates to the SWPPP whenever it incorporates them into the plan. The SWPPP and all of its modifications must be signed in accordance with Special Condition S3.I. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP must be modified, as appropriate, within two (2) weeks of such determination.

The proposed modifications to the SWPPP must be submitted to Ecology at least thirty (30) days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee must provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

4. The Permittee must update the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan must contain the following elements:
 - a. Assessment and description of existing and potential pollutant sources. Assessment must include potential sources as a result of high tide situations and marine water intrusion.
 - b. A description of the operational BMPs.
 - c. A description of selected source-control BMPs.
 - d. When necessary, a description of the erosion and sediment control BMPs.
 - e. When necessary, a description of the treatment BMPs.
 - f. An implementation schedule.

B. Plan evaluation

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and a certification, in accordance with Condition S3.2, that the facility is in compliance with the plan and this permit and identifying any incidents of noncompliance.

S11. Shipyard Best management practices

A. Control of large solid materials

Floatable and low density waste, such as wood, plastic, styrofoam, and miscellaneous trash, such as paper, insulation, and packaging, must be removed from the crawler/cradle prior to launching a vessel into marine waters.

B. Control and cleanup of paint dust and abrasive blasting debris

Dust and overspray must be confined to the immediate area of repair and construction to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed or installing plastic barriers around the vessel, including between the vessel hull and walls of environmental shelters. Plastic barriers hung from the vessel or temporary structures around the vessel should be secure and arranged to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities.

The bottom edge of tarpaulins and plastic sheeting must be weighted or fastened to remain in place during windy conditions.

Consideration must also be given to other feasible innovative procedures, as appropriate, to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, for example, sodium bicarbonate, or overall waste minimization and recycling, for example, the use of vacuum return sandblasting heads or steel shot blast technology.

Daily cleanup of spent paint, paint chips, protective coating materials, and abrasive grit must be undertaken as part of the repair or production activities, to the extent maximally feasible, as to prevent their entry into state waters.

Mechanical cleanup may be accomplished by mechanical sweepers, front end loaders, vacuum cleaners, or other innovative equipment. Manual methods include the use of shovels and brooms. Those portions of the yard areas which are reasonably accessible must be scraped or broomed clean or vacuumed to remove spent abrasive.

The yard must be cleaned on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the treatment system. Collected sandblasting debris must be stored under cover in a designated area with the spent abrasive grit. Innovations and procedures which improve the effectiveness of cleanup operations must be adopted where they are feasible, appropriate, and can be demonstrated as preventing the discharge of solids to State waters.

C. In-water vessel maintenance - surface preparation BMPs

The cleaning of any portion of a vessel's hull below the waterline while the vessel is afloat is prohibited.

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is at the facility. These activities are only allowed provided that containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:

- Mechanical hand preparation, such as scraping or wire brushing.
- Conventional mechanical grinding or use of other powered mechanical abrading tools.

- Innovative abrasive blasting systems or ultrahigh water pressure systems for surface preparation will be allowed to be conducted on a vessel's hull while it is in the water provided that it can be demonstrated beforehand to the Department of Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.
- No abrasive blasting of vessels can cause surface water pollution.

D. Oil, grease, paint, and fuel spills prevention and containment

No discharge of oil, other hazardous material, or paint to state waters is allowed. Oil, grease, fuel, or paint spills must be prevented from reaching drainage systems or surface waters. Cleanup must be carried out promptly after an oil, grease, fuel, or paint spill is detected. Oil containment booms and absorbents must be conveniently stored so as to be immediately deployable in the event of a spill. All yard personnel that may participate in cleanup of spills must be trained in the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Department of Ecology's Northwest Regional Office Spill Response Section and the United States Coast Guard must be notified immediately.

1. Cleanup efforts must commence immediately and be completed as soon as possible, taking precedence over normal work, and must include proper disposal of spilled material and used cleanup material.
2. Cleanup of oil or hazardous material spills must be in accordance with an approved Spill Control Plan or according to specific instructions of an on-scene coordinator.
3. No emulsifiers or dispersants are to be used in or upon the waters of the state without prior approval from the Director of the Department of Ecology.
4. Drip pans or other protective devices must be required for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums, or barrels. Oils and fuel storage tanks must be provided with secondary containment.

E. Paint and solvent use and containment

The mixing of paints and solvents must be carried out in locations and under conditions such that no spill must enter State waters.

1. Drip pans or other protective devices, such as drop cloths, or tarpaulins, are required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in covered and controlled areas away from storm drains, surface waters, shorelines, and piers. Paints and solvents must not be mixed on floats.
2. Paint and solvent spills must be treated as oil spills and must be prevented from reaching storm drains and subsequent discharge into State waters.

F. Contact between water and debris

Shipboard cooling and noncontact cooling water must be directed as to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams. Appropriate methods must be incorporated to prevent accumulation of debris in drainage systems, and debris must be promptly removed to prevent its discharge with stormwater.

G. Maintenance of hoses, soil chutes, and piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater must be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers must be tightly connected and as leak free as practicable.

H. Chemical storage

Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries, must be stored in a manner which will prevent the inadvertent entry of these materials into waters of the state, including groundwater. Storage must be in a manner that will prevent spills due to overfilling, tipping, or rupture. In addition, the following practices must be used:

1. All liquid products must be stored on durable impervious surfaces and within bermed containment capable of containing 110 percent of the largest single container in the storage area.
2. Waste liquids must be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, must be clearly designated as such and kept segregated from new product storage.

3. Incompatible or reactive materials must be segregated and securely stored in separate containment areas that would prevent the inadvertent mixing and reaction of spilled chemicals.
4. Concentrated waste or spilled chemicals must be transported off-site for disposal at a facility approved by the Department of Ecology or appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S8. These materials must not be discharged to any sewer or state waters.
5. Collected sandblasting debris must be stored under cover in a contained bin.

I. Recycling of spilled chemicals and rinse water

All metal-finishing chemical solution, caustic wash, and rinse water tanks must be stored in bermed areas with drains to intercept overflows and spills. Any intercepted chemical spill must be recycled back to the appropriate chemical solution tank or cleaned up and properly disposed of. The spilled material must be handled, recycled, or disposed of in such a manner as to prevent its discharge into state waters. Rinse water from dip tank processes must not be allowed to enter storm drains or waters of the state.

J. Sediment traps

The sediment traps in the storm water drainage systems for the yard must be inspected on a monthly basis and cleaned as necessary to ensure the interception and retention of solids entering the drainage system. Inspection logs and cleaning records must be maintained.

K. Education of employees, contractors, and customers

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee must develop a program for training its employees, and all contractors who work at the facility, on BMPs, and the environmental concerns related to this permit. There are a variety of ways to accomplish this, and the Permittee should determine the method that works best for the company.

For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

General Conditions

G1. Signatory requirements

1. All applications submitted to Ecology must be signed and certified.
 - a. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
 - The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - In the case of a partnership, by a general partner.
 - In the case of sole proprietorship, by the proprietor.
 - In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

2. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to Ecology.
 - b. 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.)

3. Changes to authorization. If an authorization under paragraph G1.2, 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 G1.2, above, must be submitted to Ecology 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 must make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

1. 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.
2. 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.
3. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
4. 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 Ecology’s initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in [40 CFR 122.62](#), [40 CFR 122.64](#) or [WAC 173-220-150](#) according to the procedures of [40 CFR 124.5](#).

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

- a. Violation of any permit term or condition.
 - b. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - c. A material change in quantity or type of waste disposal.
 - d. 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.
 - e. 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.
 - f. Nonpayment of fees assessed pursuant to [RCW 90.48.465](#).
 - g. Failure or refusal of the Permittee to allow entry as required in [RCW 90.48.090](#).
2. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
- a. A material change in the condition of the waters of the state.
 - b. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - c. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 - d. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 - e. The Permittee has requested a modification based on other rationale meeting the criteria of [40 CFR Part 122.62](#).
 - f. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 - g. Incorporation of an approved local pretreatment program into a municipality's permit.
3. The following are causes for modification or alternatively revocation and reissuance:
- a. When cause exists for termination for reasons listed in 1.a through 1.g of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
 - b. When Ecology 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 G7) 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 must, as soon as possible, but no later than one hundred eighty (180) days prior to the proposed changes, give notice to Ecology 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.
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.

G5. Plan review required

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

G6. Compliance with other laws and statutes

Nothing in this permit excuses 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 must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

1. Transfers by Modification
Except as provided in paragraph (2) 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.
2. Automatic Transfers
This permit may be automatically transferred to a new Permittee if:

- a. The Permittee notifies Ecology at least thirty (30) days in advance of the proposed transfer date.
- b. 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.
- c. Ecology 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, must 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, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. Duty to provide information

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology 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 [40 CFR 122.42](#) are incorporated in this permit by reference.

G12. Additional monitoring

Ecology 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 must submit payment of fees associated with this permit as assessed by Ecology.

G14. Penalties for violating permit conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$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 may incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is 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 limits 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 limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must 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 Special Condition S3.F.
4. The Permittee complied with any remedial measures required under S3.F of this permit.

In any enforcement action 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 must 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 must 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 (2) 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 four (4) years, or by both.

G20. Reporting requirements applicable to existing manufacturing, commercial, mining, and silvicultural dischargers

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have 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 this permit, if that discharge will exceed the highest of the following “notification levels:”
 - a. One hundred micrograms per liter (100 µg/L).
 - b. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/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\(g\)\(7\)](#).
 - 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 this permit, if that discharge will exceed the highest of the following “notification levels:”
 - a. Five hundred micrograms per liter (500µg/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\(g\)\(7\)](#).
- d. The level established by the Director in accordance with [40 CFR 122.44\(f\)](#).

G21. 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 must be submitted no later than fourteen (14) days following each schedule date.