

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; “the Act”),

The Lower Brule Lagoon System

is authorized to discharge from its wastewater treatment facility located in the East 1/2 of Section 15, Township 107 N, Range 73 W, approximate latitude 44.071667° N, longitude 99.573611° W, Lyman County, South Dakota.

to, Lake Sharpe, on the Missouri River

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the Permit.

This Permit shall become effective on January 1st, 2022.

This Permit and the authorization to discharge shall expire at midnight, December 31st, 2026.

Authorized Permitting Official

Darcy O’Connor, Director
Water Division

NPDES BP (Rev.10/2017)

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1 Definitions

The *7-day (weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday. (40 CFR Part 122.2)

The *30-day (monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. (40 CFR Part 122.2)

Act (“the Act”) means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the Act may be referred to as the CWA. (40 CFR Part 122.2)

Approval Authority means the Director in a NPDES state with an approved state pretreatment program and the appropriate Regional Administrator in a non-NPDES state or NPDES state without an approved state pretreatment program.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR Part 122.41(m)(1)(i))

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period, unless specified otherwise at 40 CFR Part 136. (40 CFR 122.21(g)(7)). Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, not more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

- (a) Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
- (b) Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;
- (c) Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every “X” gallons of flow); and,
- (d) Continuous collection of sample with sample collection rate proportional to flow rate.

Daily Maximum (Daily Max.) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period. If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period. The Daily Maximum limitation is the highest allowable discharge limit over the calendar day or representative 24-hour period. (40 CFR Part 122.2, see “daily discharge” and “maximum daily discharge limitation”)

Daily Minimum (Daily Min.) is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

Director means the Regional Administrator of the EPA Region 8 or an authorized representative.
EPA means the United States Environmental Protection Agency, the Regional Administrator of the EPA Region 8 or an authorized representative.

E. coli means *Escherichia coli*.

Geometric mean is an average or mean based on multiplication instead of addition. To calculate a geometric mean, multiply all the measured values together and then take the nth root, where n is the number of measured values.

$$\sqrt[n]{(X_1 X_2 X_3 \dots X_n)} \quad \text{or} \quad (X_1 X_2 X_3 \dots X_n)^{1/n}$$

Grab sample, for monitoring requirements, is defined as a sample collected over a period not exceeding 15 minutes (typically a single "dip and take" sample or an instantaneous measurement) at a location that is representative of conditions at the time the sample is collected.

Industrial User or *User* means a source of *Indirect Discharge*, which is the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. (40 CFR Part 403.3(i) and (j))

Instantaneous Maximum Limit means the maximum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

Instantaneous Minimum Limit means the minimum allowable concentration or other measure of a pollutant determined from the analysis of any sample.

Interference means a discharge from an Industrial User which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local

regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. (40 CFR Part 403.3(k))

New Source means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. (40 CFR Part 122.2)

Pass Through means an *Indirect Discharge* which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (40 CFR Part 403.3(p))

Permit means this NPDES permit upon finalization. (40 CFR Part 122.2)

Permittee means the “person” as defined by section 502(5) of the Act authorized to discharge under the Permit.

Publicly Owned Treatment Works or *POTW* means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a *POTW Treatment Plant*, which means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. The term POTW also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. (40 CFR Part 403.3(q) and (r))

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR Part 122.41(m)(1)(i))

Sewage Sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge. (40 CFR Part 122.2)

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. (40 CFR Part 122.26(b)(13))

Sufficiently Sensitive – An analytical chemical-specific test method is sufficiently sensitive when:

- (a) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or
- (b) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. (40 CFR Part 122.44(i)(1)(iv)(A))

Toxicity Reduction Evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity after control measures are put in place.

Toxicity Reduction Evaluation (TIE) means a set of procedures to identify the specific chemicals or pathogens responsible for effluent toxicity.

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. (40 CFR Part 122.41(n))

Whole Effluent Toxicity (WET) is the total toxic effect of an effluent measured directly with a toxicity test using methods approved under 40 CFR 136.

2 Description of Discharge and Monitoring Point(s)

The authorization to discharge provided under the National Pollutant Discharge Elimination System (NPDES) renewal Permit # SD-0020800 is limited to Outfall 001, specifically designated below as the discharge location. Discharges at any location not authorized under an NPDES Permit is a violation of the CWA and could subject the person(s) responsible for such discharge to penalties under Section 309 of the CWA.

Table 1. Description of Discharge and Monitoring Points

Outfall Serial Number	Latitude / Longitude	Receiving Water	Location Description
001	44.071667° N, 99.573611° W	Lake Sharpe area of the Missouri River.	Outfall 001 of the Lower Brule Lagoon System.
I001	See Location Description	N/A	Influent manhole into Cell 1 of the wastewater treatment facility systems, prior to any treatment. If not accessible, any other accessible influent structure or location that contains representative flow from the entire service area, prior to treatment.

R001	See Location Description	N/A	Receiving water sampling location in the vicinity of the discharge point on Lake Sharpe. Samples collected and analyzed to meet self-monitoring requirements for R001, as outlined in Part 1.3.3. of the Permit, shall be collected in a consistent location in Lake Sharpe, directly upstream of the confluence where the facility's effluent discharge enters Lake Sharpe. The sample should be collected after a week of no discharge to ensure that the receiving water is being monitoring without contributions from treated discharge.
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3 Effluent Limitations

Outfall 001: Effective immediately and lasting through the life of this Permit, the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below:

Table 2. Effluent Limitations for Outfall 001

Effluent Characteristic	30-Day Average Effluent Limitations <u>a/</u>	7-Day Average Effluent Limitations <u>a/</u>	Daily Maximum Effluent Limitations <u>a/</u>
BOD ₅ , mg/L	30	45	N/A
BOD ₅ , percent removal	≥ 65%	N/A	N/A
TSS, mg/L	30	45	N/A
TSS, percent removal	≥ 65%	N/A	N/A
<i>Escherichia coli</i> (<i>E. coli</i>), Number/100 mL <u>b/</u>	126 <u>c/</u>	N/A	410 <u>d/</u>
Total Residual Chlorine (TRC), μg/L <u>e/</u>	11	N/A	19
pH	Must remain in the range of 6.5 to 9.0 at all times.		
Oil & Grease, Visual Limit, mg/L <u>f/</u>	There be no visible sheen in the receiving water or adjoining shoreline.		
Oil & Grease, mg/L <u>f/</u>	The concentration of oil and grease in any single sample shall not exceed 10 mg/L.		

a/ See Permit Definitions, section 1, for definition of terms.

b/ WQBEL = Limitation based on water quality-based effluent limit;

c/ 30-Day Geometric Mean. The 30-day geometric mean calculation will be based on the geometric mean from the total number of samples collected during the 30-day period. The Permittee may collect more samples than the monthly samples specified in the self-monitoring requirements, all

samples must be included in the 30-Day Geometric Mean calculation. See Section 6.6 of the permit for further details regarding requirements for additional monitoring.

- d/ Not to be exceeded in any sample - the daily maximum limitation will be 410 Number/100 mL
- e/ The minimum limit of analytical reliability in the analysis for total residual chlorine is 50 µg/L. For purposes of calculating averages and reporting in the Discharge Monitoring Report form, analytical values less than 50 µg/L shall be considered to be in compliance with this permit.

4 Self-Monitoring and Data Requirements

4.1 Self-Monitoring Requirements – Outfall 001

Self-monitoring shall be conducted effective immediately and lasting through the effective term of this Permit. Sampling and test procedures for pollutants listed in this section shall be in accordance with guidelines promulgated by the Administrator in 40 CFR Part 136, as required in 40 CFR § 122.41(j). At a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) that no discharge occurred. See Reporting of Monitoring Results, section 6.4, for more details.

Effluent monitoring samples shall be taken at Outfall 001, after all treatment processes but prior to discharge to the receiving water, Lake Sharpe on the Missouri River.

Table 3. Monitoring and Reporting Requirements for Outfall 001

Effluent Characteristic	Monitoring Frequency	Sample Type a/	DMR Coverage Period	Data Reported on DMR
Flow, mgd	b/	c/	Quarterly	Daily Max. 30-Day Avg.
<i>E. coli</i> , number/100 mL	b/	Grab	Quarterly	Daily Max. 30-Day Avg.
O&G, visual d/	b/	Visual	Quarterly	Narrative
O&G, m/L d/	Immediately if visual sheen detected b/	Grab	Quarterly	Daily Max.
Total Residual Chlorine (TRC), mg/L e/	b/	Grab	Quarterly	Daily Max. 30-Day Avg.
Total Ammonia Nitrogen (as N), mg/L	b/	Grab	Quarterly	Daily Max. 30-Day Avg.
Total Nitrogen f/	b/	Grab	Quarterly	Daily Max. 30-Day Avg.
Total Phosphorus (P), mg/L	b/	Grab	Quarterly	Daily Max. 30-Day Avg.

pH, units g/	b/	Grab	Quarterly	Instantaneous Min. Instantaneous Max.
BOD ₅ , mg/L h/	b/	Grab	Quarterly	30-Day Avg. 7-Day Avg. 30-Day Avg. % removal
TSS, mg/L h/	b/	Grab	Quarterly	30-Day Avg. 7-Day Avg. 30-Day Avg. % removal

- a/ See Permit Definitions, section 1, for definition of terms.
- b/ A minimum of three (3) samples shall be taken during any discharge of wastewater. It is required that a sample be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three (3) samples shall be taken during the first week and one (1) during each following week. All of the samples collected during the 7-day or 30-day period are to be used in determining the averages.
- c/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate in million gallons per day (mgd) during the reporting period and the maximum flow rate observed, in mgd, shall be reported. The date and time of the start and termination of each discharge shall be recorded and maintained in the facility's sampling records.
- d/ If a visible sheen or floating oil is detected in the discharge, a grab sample shall be taken immediately, analyzed, and recorded in accordance with the requirements of 40 C.F.R. Part 136.
- e/ The analysis for TRC shall be conducted using reliable devices (Equivalent to EPA Standard Methods 4500-CI-G). The method achieves a method detection limit of less than 50 µg/L. In the calculation of average TRC concentrations, those analytical results that are less than the method detection limit shall be considered to be zero for calculation purposes. If all individual analytical results that would be used in the calculations are below the method detection limit, then "< 50 µg/L" shall be reported on the quarterly Discharge Monitoring Report (DMR). Otherwise, report the calculated value.
- f/ At the time of the Permit development, there was no EPA approved analytical method for Total Nitrogen listed in 40 C.F.R. Part 136. For the purposes of the Permit, the term "Total Nitrogen (TN)" is defined as the calculated sum of analytical results from "Total Kjeldahl Nitrogen (TKN)" plus "Nitrate-Nitrite."
- g/ Measurement must be analyzed within fifteen (15) minutes of sampling per 40 C.F.R. Part 136.
- h/ *Percent removal is defined in 40 C.F.R. § 133.101(j) as a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period. Based on this definition, an example BOD percent removal calculation is provided below. On a quarterly DMR reporting basis, the average of all 30-day average effluent BOD values reported over the previous 6 months and the average of all 30-day*

average influent BOD values reported over the previous 6 months shall be used to calculate the BOD percent removal that will be reported for that quarterly DMR reporting period, if a discharge occurred within the quarterly reporting period. This will result in a rolling 6-month window of data used for quarterly calculations. Months where no sampling occurred should not be included in the calculation. If no discharge occurred within a quarterly reporting period, no percent removal calculation is necessary for that reporting period.

Example calculation for 1st Calendar Quarter DMR Reporting (January-March):

Average Effluent 30-day BOD for 6 months =

$$\frac{(\text{October effluent BOD 30day average} + \text{November effluent BOD 30day average} + \text{December effluent BOD 30day average} + \text{January effluent BOD 30day average} + \text{February effluent BOD 30day average} + \text{March effluent BOD 30day average})}{(\# \text{ of months for which effluent data was reported (e.g. "6" if there is data for all 6 months)})}$$

Average Influent 30-day BOD for 6 months =

$$\frac{(\text{October influent BOD 30day average} + \text{November influent BOD 30day average} + \text{December influent BOD 30day average} + \text{January influent BOD 30day average} + \text{February influent BOD 30day average} + \text{March influent BOD 30day average})}{(\# \text{ of months for which influent data was reported (e.g. "6" if there is data for all 6 months)})}$$

Quarterly DMR percent removal reported value =

$$\frac{(\text{Average Influent 30day BOD for 6 months} - \text{Average Effluent 30day BOD for 6 months})}{\text{Average Influent 30day BOD for 6 months}}$$

4.2 Self-Monitoring Requirements – Influent (I001)

Influent monitoring will consist of a minimum of a single grab sample at least once per quarter, to be incorporated into calculations for reporting effluent BOD₅ and TSS percent removal associated with discharges. Influent samples shall be taken at the location designated in Table 1 of the Permit.

Table 4. Baseline Influent Monitoring Requirements, Influent Monitoring Location, I001

Influent Characteristic	Frequency	Sample Type a/
Biochemical Oxygen Demand (BOD ₅), mg/L	b/	Composite
Total Suspended Solids (TSS), mg/L	b/	Composite

a/ See Definitions, Part 1.1. of the Permit, for definition of terms.

b/ BOD₅ and TSS influent sampling will be required for each discharge event. . Additional samples may be taken at the Permittee's discretion if a large amount of variability is anticipated in the influent within a quarter. Any additional sample results must be included in the 30-day average influent DMR reporting for the month in which the sampling is performed. See Section 6.6 of the permit for further details on the requirements for

additional sampling. See footnote h/ in Table 3 for additional information/example calculations. If only one sample is taken within a month, that result will be the 30-average for the month.

4.3 Self-Monitoring Requirements – Receiving Stream (R001)

R001 monitoring requirements are effective immediately and last through the effective term of the Permit. Sampling and test procedures for pollutants listed in this section shall be in accordance with guidelines promulgated by the Administrator in 40 C.F.R. Part 136, as required in 40 C.F.R. § 122.41(j). At a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated. Stream monitoring shall be conducted when there is flow at R001 and access is practical and accessible (e.g. access not impeded by snow, ice, flooding, other unsafe conditions, etc.). Any unsafe conditions shall be recorded. All receiving stream monthly monitored data collected, including detailed location (latitude, longitude), dates and times of the sample collections, shall be recorded and maintained in the facility's sampling records. Sampling shall be conducted regardless of the discharge status of the facility.

Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136 unless another method is required under 40 C.F.R. subchapters N or O.

Table 4. Monitoring Requirements for R001

Receiving Characteristic	Frequency a/	Sample Type b/
pH, standard units	Monthly	Grab, c/
Temperature, °C	Monthly	Grab, c/
Total Ammonia Nitrogen (as N), mg/L	Monthly	Grab, c/

- a/ Temperature and pH samples shall be collected at the same time as sampling for the total ammonia. Ammonia, temperature and pH measurements shall be collected between 2pm and 4pm.
- b/ See Definitions, Section 1.1. of the Permit, for definition of terms.
- c/ The sample shall be collected after a week of no discharge to ensure that the receiving water is being monitored without contributions from treated discharge.

5 Special Conditions

N/A.

6 Monitoring, Record Keeping, and Reporting Requirements

6.1 Representative Sampling:

All samples taken in compliance with the monitoring requirements established under section 4 shall be representative. Effluent samples shall be collected from the effluent stream prior to discharge into the receiving waters. Any influent samples shall be taken of the influent stream at the first influent access point, and if feasible prior to entering any treatment unit. Any receiving water samples shall be collected in a representative location of the receiving stream. Samples and measurements shall be representative of the volume and nature of the monitored discharge, influent,

receiving stream, or other monitored location. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use or disposal practice.

6.2 Monitoring Procedures:

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this Permit. Sludge monitoring procedures shall be those specified in 40 CFR Part 503, or as specified in this Permit. The Permittee must select a test procedure that is Sufficiently Sensitive for all monitoring conducted in accordance with this Permit.

6.3 Penalties for Tampering:

The Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

6.4 Reporting of Monitoring Results:

With the effective date of this Permit, the Permittee must electronically report DMRs using NetDMR at the frequency and by the due dates specified below. The DMR reporting period, reporting types, and direction on values to report for each parameter is included in section 4. Enter the applicable measurement units. In the number of excursions column (“# of Ex.”), enter the number of measurements during monitoring period that exceeded maximum limit or was below the minimum limit for all numeric or narrative limits; if none, enter “0.” For “Frequency of Analysis,” enter “Cont,” for continuous monitoring or the actual frequency of samples analyzed “1/7” for one per week, “1/30” for one per month, “2/30” for two per month, “1/90” for one per quarter, “1/180” for one per six months, “1/365” for one per year, etc. For “Sample Type,” indicate the sample type collected. Electronic submissions by permittees must be submitted to EPA Region 8 no later than the 28th of the month following the completed reporting period. The Permittee must sign and certify all electronic submissions in accordance with the requirements of section 8.7 of this Permit (“Signatory Requirements”). NetDMR is accessed from the internet at <https://netdmr.zendesk.com/home>.

Table 5. DMR Compliance Monitoring Periods and Due Dates

Compliance Monitoring Period	Due Date
January through March	April 28
April through June	July 28
July through September	October 28
October through December	January 28

6.5 Other Reporting Requirements:

All reports shall be signed and certified in accordance with the Signatory Requirements (see section 8.7). Paper reports shall be submitted to EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch at the addresses given below:

Original to:

U.S. EPA, Region 8
(8ENF-W)
Attention: DMR Coordinator
1595 Wynkoop Street
Denver, Colorado 80202-1129

Prior to December 21, 2025, all other reports required herein (e.g., sections 6.9 and 6.10) as well as sewer overflow event reports, shall be signed and certified in accordance with the Signatory Requirements (see section 8.7), and submitted to EPA Region 8 Enforcement and Compliance Assurance Division Water Enforcement Branch at the addresses given above. Effective no later than December 21, 2025, these reports shall be submitted electronically using the NPDES Electronic Reporting Tool (NeT). If the NeT tool is not available on December 21, 2025, the reports can continue to be submitted to the addresses above until the tool is available unless otherwise indicated in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR §122.22, and 40 CFR Part 127, should electronic reporting not be available by December 21, 2025.

6.6 Additional Monitoring by the Permittee:

If the Permittee monitors any pollutant in accordance with section 6.1 more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136, 40 CFR Part 503, or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

6.7 Records Contents:

Records of monitoring information shall include:

- 6.7.1 The date, exact place, and time of sampling or measurements;
- 6.7.2 The name(s) of the individual(s) who performed the sampling or measurements;
- 6.7.3 The date(s) analyses were performed;
- 6.7.4 The time(s) analyses were initiated;
- 6.7.5 The name(s) of individual(s) who performed the analyses;
- 6.7.6 References to and, when available, written procedures for the analytical techniques or methods used; and,
- 6.7.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results when analysis is conducted by the Permittee.

6.8 Retention of Records:

The Permittee shall retain records of all monitoring information, including 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, for a period of at least three years from the date of the sample, measurement, report or application. Records of monitoring required by this Permit related to sludge use and disposal activities must be kept at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of EPA at any time. Data collected on site, data used to prepare the DMR, copies of DMRs, and a copy of this NPDES Permit must be maintained on site.

6.9 Twenty-Four Hour Notice of Noncompliance Reporting:

- 6.9.1 The Permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to EPA, Region 8, Superfund & Emergency Management Division at (303) 293-1788 and the Tribal Environmental Office (reachable at 605.473.0163).
- 6.9.2 The following occurrences of noncompliance shall be reported by telephone to EPA, Region 8's NPDES and Wetlands Enforcement Section at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time) and the Tribal Environmental Office (reachable at 605.473.0163) by the first workday following the day the Permittee became aware of the circumstances:
 - 6.9.2.1 Any unanticipated bypass which exceeds any effluent limitation in the Permit (See section 7.8, Bypass of Treatment Facilities.);
 - 6.9.2.2 Any upset which exceeds any effluent limitation in the Permit (See section 7.9, Upset Conditions);
 - 6.9.2.3 Violation of a maximum daily discharge limitation for any of the pollutants listed in the Permit to be reported within 24 hours;
 - 6.9.2.4 Sanitary sewer overflows; and
 - 6.9.2.5 Combined sewer overflows.
- 6.9.3 For any noncompliance notification required under sections 6.9.1 or 6.9.1, a written submission shall also be provided to the EPA, Office of Enforcement and Compliance Assurance Division, Water Enforcement Branch and the Tribal Environmental Office (reachable at 605. 473.0163) within five days of the time that the Permittee becomes aware of the circumstances. The written submission shall contain:
 - 6.9.3.1 A description of the noncompliance and its cause;
 - 6.9.3.2 The period of noncompliance, including exact dates and times;
 - 6.9.3.3 The estimated time noncompliance is expected to continue if it has not been corrected;
 - 6.9.3.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - 6.9.3.5 The signed certification statement required by the Signatory Requirements (see section 8.7).

6.9.4 EPA may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under section 6.9.1 above, if the incident has been orally reported in accordance with the requirements of section 6.9.2.

6.9.5 Reports shall be submitted to the addresses in section 6.5, Other Reporting Requirements.

6.10 Other Noncompliance Reporting:

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for section 6.5 are submitted. The reports shall contain the information listed in section 6.9.3, and, if applicable, when the POTW failed to comply with any applicable long-term combined sewer overflow control plan, permit requirements, or enforcement actions.

6.11 Inspection and Entry:

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

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

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

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

6.11.4 Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

7 **Compliance Responsibilities**

7.1 Duty to Comply:

The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give EPA advanced notice of any planned changes at the permitted facility that could change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

7.2 Penalties for Violations of Permit Conditions:

The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. EPA is required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (as amended) to annually adjusting statutory civil penalties to reflect inflation, according to a prescribed formula. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 required these adjustments on an annual basis, beginning in 2016. EPA has adjusted its civil monetary penalties effective December 23, 2020 (85 Fed. Reg. 83818-, and these amounts are adjusted annually as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The civil and criminal penalties for violations of the Act are as follows:

- 7.2.1 Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$56,460 per day for each violation.
- 7.2.2 Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.
- 7.2.3 Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment for not more than six years, or both.
- 7.2.4 Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- 7.2.5 Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$22,584 per violation, with a maximum amount not to exceed \$56,460. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$22,584 per day for each day during which the violation continues, with the maximum amount not to exceed \$282,293.

7.3 Need to Halt or Reduce Activity not a Defense:

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

7.4 Duty to Mitigate:

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

7.5 Inspection Requirements:

- 7.5.1 On at least a weekly basis, unless otherwise approved by the Permit issuing authority, the Permittee shall inspect its wastewater treatment facility, at a minimum, for the following:
- 7.5.1.1 Determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in sections 4 and 6.4 of this Permit if not already been completed.);
 - 7.5.1.2 Determine if there is any leakage through the dikes;
 - 7.5.1.3 Determine if there are any animal burrows in the dike;
 - 7.5.1.4 Determine if there has been any erosion of the dikes (e.g., rills, cracks or other structural indications of erosion);
 - 7.5.1.5 Determine if there are any rooted plants, including weeds growing in the water;
 - 7.5.1.6 Determine if vegetation growth on the dikes needs mowing (i.e. no greater than 6" tall or any height that may interfere with monitoring, operation and maintenance of the system);
 - 7.5.1.7 Determine if there are potential concerns with the "health" of the lagoon system (e.g., water is cloudy, water coloration concerns (e.g. red, black, grey, dark blue-green and cloudy), etc.);
 - 7.5.1.8 Determine if there is a visible sheen, floating oil, floating solids and/or foam;
 - 7.5.1.9 Determine if there is visible evidence of illicit septic dumping; and,
 - 7.5.1.10 Determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility.
- 7.5.2 The Permittee shall maintain a log in either paper or electronic format recording information obtained during inspection activities. At a minimum, the log shall include the following:
- 7.5.2.1 Date and time of the inspection;
 - 7.5.2.2 Name of the inspector(s);
 - 7.5.2.3 The facility's discharge status;
 - 7.5.2.4 The flow rate of the discharge if occurring;

- 7.5.2.5 The condition or status of all aspects required to be inspected in section 7.5.1;
 - 7.5.2.6 Identification of operational problems and/or maintenance problems;
 - 7.5.2.7 Corrective actions, as appropriate, to remedy identified problems, the planned date for each corrective action, and the actual date each corrective action was taken; and
 - 7.5.2.8 Other information, as appropriate.
- 7.5.3 The Permittee shall maintain weekly log in either paper or electronic format in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the applicable Tribe.
- 7.5.4 Problems identified during the inspection including, but not limited to, those associated with Section 7.5.1 of the Permit, shall be corrected at the time of inspection, if possible. If they cannot be corrected at the time of the inspection, the inspector must identify and document a corrective action to remedy the problem(s), as well as a timeline for completion of the remedy. The corrective action shall be completed by the time specified. Corrective actions to remedy problem(s) shall be in line with and addressed through proper operation and maintenance (Section 7.6 of the Permit). All problems identified during inspections, as well as associated corrective actions and timelines, shall be documented in the inspection log.

7.6 Proper Operation and Maintenance:

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

7.6.1 Operation and Management Plan

The Permittee shall do the following as part of the operation and maintenance program for the wastewater treatment facility:

- 7.6.1.1 Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility, as required by the previous permit, and make any necessary updates as soon as possible, but no later than six (6) months after the effective date of this Permit. Maintain and implement the O & M Manual(s);
- 7.6.1.2 Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;
- 7.6.1.3 Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,

- 7.6.1.4 Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).

7.6.2 Operation and Maintenance Log

The Permittee shall maintain a daily log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. The Permittee shall maintain the daily log in accordance with proper record-keeping procedures in section 6.8 and shall make the log available for inspection, upon request, by authorized representatives of the EPA . At a minimum, the log shall include the following information:

- 7.6.2.1 Date and time;
- 7.6.2.2 Name and title of person(s) making the log entry;
- 7.6.2.3 Name of the persons(s) performing the activity;
- 7.6.2.4 A brief description of the activity; and,
- 7.6.2.5 Other information, as appropriate.

7.6.3 Asset Management Plan

The Permittee shall, as soon as possible, but no later than one year after the effective date of this Permit, develop, maintain, and implement an asset management plan (AMP) to cover the treatment facility and collection system.

- 7.6.3.1 The AMP shall include an inventory of all critical assets in a single list, spreadsheet, or database. Critical assets may include, but are not limited to, sewer lines, manholes, outfalls, lift stations, force mains, catch basins, flow meters, and wastewater treatment facility assets and/or any other asset which are critical to operations would require significant capital expenditures to replace or repair. Each entry shall include:

- 7.6.3.1.1 Name and identification number (if applicable).
- 7.6.3.1.2 Location (GPS coordinate or equivalent identifier).
- 7.6.3.1.3 Current performance/condition.
- 7.6.3.1.4 Purchase and installation date (if known).
- 7.6.3.1.5 Purchase price (if known).
- 7.6.3.1.6 Replacement cost (if known).

- 7.6.3.2 The AMP shall include a treatment system map showing the sewer collection system it owns and operates including the wastewater treatment system. The map shall be of sufficient detail and at a scale to allow easy interpretation. The treatment system information shown on the map shall be based on current conditions and shall be kept up to date and available for review by federal agencies. Map(s) shall include, but not be limited to, the following:

- 7.6.3.2.1 All sanitary sewer lines and related manholes;

- 7.6.3.2.2 All outfalls of the system or the treatment plant outfall(s);
- 7.6.3.2.3 All pump stations and force mains;
- 7.6.3.2.4 The wastewater treatment facility(ies);
- 7.6.3.2.5 All surface waters (labeled); and
- 7.6.3.2.6 The scale and a north arrow.

7.6.3.3 Further guidance on implementing an AMP may be found on EPA's website "Check Up Program for Small Systems ("CUPSS") Asset Management Tool" (<https://www.epa.gov/dwcapacity/information-check-program-small-systems-cupss-asset-management-tool>).

7.6.4 Staff and Funding

The Permittee shall provide adequate staff and funding to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this Permit. The level of staffing needed, in numbers, training and experience, shall be determined taking into account the work involved in operating the system, conducting maintenance, and complying with this Permit. The Permittee may be required to provide EPA documentation sources of revenue, include the development of annual budgets, and track annual expenses.

7.7 Removed Substances:

Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal, state, tribal, or local regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

7.8 Bypass of Treatment Facilities:

7.8.1 Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of sections 7.8.2 and 7.8.3.

7.8.2 Notice:

7.8.2.1 Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice to the addresses in section 6.5, Other Reporting Requirements, if possible at least 10 days before the date of the bypass to EPA Region 8 Enforcement and Compliance Assurance Division Water Enforcement Branch and to the Tribe.

7.8.2.2 Unanticipated bypass: The Permittee shall submit notice of an unanticipated bypass as required under section 6.9, Twenty-four Hour Noncompliance Reporting, to the EPA Region 8, Enforcement and Compliance Assurance Division, Water Enforcement Branch and to the Tribe.

7.8.3 Prohibition of bypass.

7.8.3.1 Bypass is prohibited and the EPA may take enforcement action against a permittee for a bypass, unless:

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

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

7.8.3.1.3 The Permittee submitted notices as required under section 7.8.2.

7.8.3.2 The EPA may approve an anticipated bypass, after considering its adverse effects, if the EPA determines that it will meet the three conditions listed above in section

7.9 Upset Conditions:

7.9.1 Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of section 7.9.2 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

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

7.9.2.1 An upset occurred and that the Permittee can identify the cause(s) of the upset;

7.9.2.2 The permitted facility was at the time being properly operated;

7.9.2.3 The Permittee submitted notice of the upset as required under section 6.9, Twenty-four Hour Notice of Noncompliance Reporting; and,

7.9.2.4 The Permittee complied with any remedial measures required under section 7.4, Duty to Mitigate.

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

7.10 Toxic Pollutants:

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

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

7.11 Industrial Waste Management (All POTWs):

- 7.11.1 The permitted facility is a Publicly Owned Treatment Works (POTW) as defined in 40 CFR § 403.3. The Permittee has the responsibility to protect the Publicly Owned Treatment Works (POTW) from pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.
- 7.11.2 General and Specific Prohibitions. Pursuant to the Pretreatment Standards (40 CFR § 403.5) developed pursuant to Section 307 of the Act, the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge (Industrial User):
- 7.11.2.1 Any other pollutant which may cause Pass Through or Interference;
 - 7.11.2.2 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 sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR § 261.21;
 - 7.11.2.3 Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;
 - 7.11.2.4 Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
 - 7.11.2.5 Any pollutant, including oxygen demanding pollutants (e.g., BOD₅), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the POTW;
 - 7.11.2.6 Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the EPA, upon request of the POTW, approves alternate temperature limits;
 - 7.11.2.7 Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
 - 7.11.2.8 Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - 7.11.2.9 Any trucked or hauled pollutants, except at discharge points designated by the POTW; and,
 - 7.11.2.10 Any specific pollutant which exceeds a local limitation established by the Permittee in accordance with the requirements of 40 CFR § 403.5(c) and (d).

- 7.11.3 Categorical Pretreatment Standards. In addition to the general and specific limitations listed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Part 405 et. seq.). The Permittee must notify the EPA and the Tribe at the addresses in section 6.5, Other Reporting Requirements, of any new introductions by new or existing Industrial Users subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, subchapter N (categorical Industrial Users) that was not identified in the Permit application or any substantial change in pollutants from any Industrial User within sixty (60) days following the introduction or change. Such notice must identify:
- 7.11.3.1 Any new introduction of pollutants into the POTW from an Industrial User which would be subject to Sections 301, 306, or 307 of the Act if it were directly discharging those pollutants; and,
 - 7.11.3.2 Any substantial change in the volume or character of pollutants being introduced into the POTW by any Industrial User including but not limited to any Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, whose discharge designated by the EPA as having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirements or other discharges that may cause Pass Through or Interference.
 - 7.11.3.3 For the purposes of this section, adequate notice shall include information on:
 - 7.11.3.3.1 The identity of the Industrial User;
 - 7.11.3.3.2 The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and,
 - 7.11.3.3.3 Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids or sludge produced at such POTW.
- 7.11.4 At such time as a specific Pretreatment Standard or requirement becomes applicable to an Industrial User of the Permittee, the EPA may, as appropriate:
- 7.11.4.1 Amend the Permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable national Pretreatment Standards;
 - 7.11.4.2 Require the Permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the Permittee's POTW for treatment. Such requirement shall be imposed in a manner consistent with the program development requirements of the General Pretreatment Regulations at 40 CFR Part 403; and/or,

- 7.11.4.3 Require the Permittee to monitor its discharge for any pollutant which may likely be discharged from the Permittee's POTW, should the Industrial User fail to properly pretreat its waste.
- 7.11.5 The EPA retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by the Permittee, for violations of a permit, order or similar enforceable mechanism issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by the EPA under 40 CFR, Chapter I, Subchapter N. In cases where a NPDES permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the EPA shall hold the Permittee and/or Industrial User responsible and may take legal action against the Permittee as well as the Industrial User(s) contributing to the Permit violation.

8 General Requirements

8.1 Planned Changes:

The Permittee shall give notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- 8.1.1 The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit.
- 8.1.2 The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of Permit conditions that are different from or absent in the existing Permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.; or,
- 8.1.3 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a New Source.

8.2 Anticipated Noncompliance:

The Permittee shall give advance notice to the EPA of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

8.3 Permit Actions:

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8.4 Duty to Reapply:

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit. The application shall be

submitted at least 180 days before the expiration date of this Permit, unless permission for a later date has been granted by the EPA.

8.5 Duty to Provide Information:

The Permittee shall furnish to the EPA, within a reasonable time, any information which the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the EPA, upon request, copies of records required to be kept by this Permit.

8.6 Other Information:

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

8.7 Signatory Requirements:

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

8.7.1 All permit applications shall be signed by either a principal executive officer or ranking elected official.

8.7.2 All reports required by the Permit and other information requested by the EPA 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:

8.7.2.1 The authorization is made in writing by a person described above and submitted to the EPA; and,

8.7.2.2 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.)

8.7.3 Changes to authorization: If an authorization under section 8.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of section 8.7.2 must be submitted to the EPA prior to or together with any reports, information, or applications to be signed by an authorized representative.

8.7.4 Certification: Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate,

and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

8.8 Penalties for Falsification of Reports:

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

8.9 Availability of Reports:

Except for data determined to be confidential under 40 CFR Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection. As required by the Act and 40 CFR Part 122.7, permit applications, permits and effluent data shall not be considered confidential.

8.10 Property Rights:

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

8.11 Severability:

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

8.12 Transfers:

This Permit may be automatically transferred to a new permittee if:

- 8.12.1 The current Permittee notifies the EPA at least 30 days in advance of the proposed transfer date at:

U.S. EPA, Region 8 (8WD-CWW)
Attention: Wastewater Section Chief
1595 Wynkoop Street
Denver, Colorado 80202-1129;

- 8.12.2 The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
- 8.12.3 The notice includes the signed certification statement required by the Signatory Requirements (see section 8.7); and,
- 8.12.4 The EPA does not notify the existing Permittee and the proposed new permittee of the EPA's intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section 8.12.2.

8.13 Oil and Hazardous Substance Liability:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.

8.14 Permittees in Indian Country:

The EPA is issuing this Permit pursuant to the Agency's authority to implement the Clean Water Act NPDES program in Indian country, as defined at 18 U.S.C. § 1151.

8.15 Reopener Provision:

This Permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

- 8.15.1 **Water Quality Standards:** The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in this Permit.
- 8.15.2 **Wasteload Allocation:** A wasteload allocation is developed and approved by the Tribe and EPA for incorporation in this Permit.
- 8.15.3 **Water Quality Management Plan:** A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this Permit.
- 8.15.4 **Toxicity Limitation-Reopener Provision:** This Permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.