

Permit No. AR0001210

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"),

Georgia-Pacific Corporation
P. O. Box 3333
Crossett, Arkansas 71635

is authorized to discharge from a facility located in Crossett, Arkansas

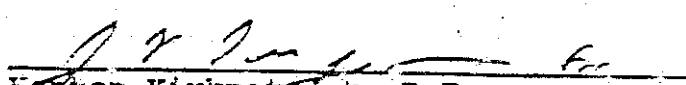
to receiving waters named Coffee Creek below Mossy Lake, thence to the Ouachita River in Segment No. 2D of the Ouachita River Basin

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I (8 pages), II (5 pages), and III (6 pages) hereof.

This permit shall become effective on October 30, 1991

This permit and the authorization to discharge shall expire at midnight, October 31, 1991

Signed and issued this 30th day of October 1991


Kenton Kirkpatrick, P.E.
Acting Director
Water Management Division (6W)

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001, treated process wastewaters.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Mass (lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow (MGD)	N/A	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	19,370	37,240	N/A	N/A
Total Suspended Solids (TSS)	35,190	65,470	N/A	N/A
2,3,7,8-Tetrachloro-dibenzo-p-dioxin (2378-TCDD) (*1) (*2)	5970 µg/d	5970 µg/d	35 ppq	35 ppq
Adsorbable Organic Halogens (AOX) (*3)	N/A	Report	N/A	Report

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (MGD)	Continuous	Record
Biochemical Oxygen Demand (BOD ₅)	3/Week	24-Hr Composite
Total Suspended Solids (TSS)	3/Week	24-Hr Composite
2,3,7,8-Tetrachloro-dibenzo-p-dioxin (2378-TCDD) (*1) (*2)	1/Quarter	Grab
Adsorbable Organic Halogens (AOX) (*3)	1/Quarter	Grab

OUTFALL 001

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored three (3) times per week by a grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 001, at the discharge from the aerated lagoon (R1).

FOOTNOTES

- (*1) Effluent limitations for 2378-TCDD are in mass units of micrograms per day ($\mu\text{g}/\text{day}$) and concentration units of parts per quadrillion (ppq). One part per quadrillion (ppq) is equivalent to one picogram per liter (pg/l).
- (*2) See Parts II.A. and II.B.
- (*3) See Part II.F. Monitoring results for AOX shall be reported in both mass units (lbs/day) and concentration units (mg/l).

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 002

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 002, controlled discharge from Mossy Lake to the Ouachita River (*1).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	<u>Mass (lbs/day)</u>		<u>Other Units (Specify)</u>	
	<u>Daily Avg</u>	<u>Daily Max</u>	<u>Daily Avg</u>	<u>Daily Max</u>
Flow (MGD)	N/A	N/A	Report	Report
Biochemical Oxygen Demand (BOD ₅)	8000	12,000	N/A	N/A
Total Suspended Solids (TSS)	16,000	24,000	N/A	N/A

During the months of July, August, and September only:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		
	<u>Other Units (Specify)</u>		
	<u>Daily Avg</u>	<u>Daily Max</u>	<u>Daily Min</u>
Dissolved Oxygen (*2)	Report	Report	Report
River Flow Rate (CFS) (*3)	Report	Report	Report
BOD ₅ Exceedances (*4)	0	0	N/A

OUTFALL 002

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (MGD)	Continuous	Record
Biochemical Oxygen Demand (BOD ₅)	3/Week	24-Hr Composite
Total Suspended Solids (TSS)	3/Week	24-Hr Composite

During the months of July, August, and September only:

Dissolved Oxygen (*2)	1/Month	Grab
River Flow Rate (CFS) (*3)	1/Day	Report
BOD ₅ Exceedances (*4)	1/Day	Report Number

OUTFALL 002

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored three (3) times per week by a grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outfall 002, the discharge structure from Mossy Lake to the Ouachita River (*1).

FOOTNOTES

(*1) The Outfall 002 effluent limitations and monitoring requirements shall be effective only when Mossy Lake is:

- 1) not in a flooded stage and
- 2) a discrete and accessible point source discharge.

A flooded state is defined as the period when the gage at the Felsenthal Dam exceeds 62 feet and also for the two weeks following the recession of flood waters below 62 feet.

(*2) See Part II.G. for reporting requirements.

(*3) See Part II.H. for reporting requirements.

(*4) See Part II.J. for determination of an exceedance.

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

Compliance with all effluent limitations shall be achieved in accordance with Part I.A. of this permit.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

SECTION C. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III.D.4 of the permit. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report form postmarked no later than the 25th day of the month following the completed reporting period. The first report is due on November 25, 1991.

PART II
OTHER CONDITIONS

A. DIOXIN EFFLUENT MONITORING REQUIREMENTS

The method of analysis of the final effluent for 2,3,7,8-tetrachloro-dibenzo-p-dioxin (2378-TCDD) shall be in accordance with the analytical protocol in either U. S. Environmental Protection Agency Method 1613: Tetra- through Octa- Chlorinated Dioxins and Furans by Isotope Dilution, July 1989, or National Council for Air and Stream Improvement (NCASI) method described in Technical Bulletin No. 551 (NCASI Method 551). The "minimum level" for EPA Method 1613 shall be 10.0 parts per quadrillion (ppq). The minimum level is defined as the level at which the entire analytical system shall give recognizable mass spectra and acceptable calibration points.

B. COMPLIANCE WITH DIOXIN EFFLUENT LIMITATIONS

Permit compliance/noncompliance determinations will be based on the "minimum level" for EPA Method 1613 of 10.0 ppq for the daily average and daily maximum effluent limitations for 2,3,7,8-tetrachloro-dibenzo-p-dioxin (2378-TCDD). If an analysis for 2378-TCDD of any effluent sample results in a measurement of "less than the minimum level", a value of zero (0) will be used for that effluent sample for reporting and compliance purposes.

C. DIOXIN REOPENER CLAUSE

Effluent limitations for 2,3,7,8-Tetrachloro-dibenzo-p-dioxin (2378-TCDD) are based on the proposed ambient State water quality standard for 2378-TCDD of 1.0 parts per quadrillion (ppq) at a risk level of 10^{-5} . Should the State of Arkansas adopt a State water quality standard for 2378-TCDD or specify an acceptable risk level which differs from the proposed standard, this permit shall be reopened and modified to adjust the effluent limitations for 2378-TCDD to be consistent with any such State water quality standard approved by EPA, pursuant to Section 303 of the Clean Water Act. EPA has determined that such an adjustment in the effluent limitations would be consistent with and authorized by Section 402(o) of the Clean Water Act. Modification of the permit is subject to the provisions of 40 CFR Part 122.62.

D. CHLOROPHENOLIC-CONTAINING BIOCIDES

The permittee has certified that no chlorophenolic-containing biocides are currently used. Any anticipated use of these biocides

will require notification of EPA Region 6 as specified in 40 CFR Part 122.41(1).

E. COMPOSITE SAMPLING

Unless otherwise specified in this permit, the term "24-hour composite sample" means a sample consisting of a minimum of four (4) aliquots of effluent collected at regular intervals over a normal 24-hour operating day and combined in proportion to flow or a sample continuously collected in proportion to flow over a normal 24-hour operating day.

F. AOX EFFLUENT MONITORING REQUIREMENTS

The method of analysis of the final effluent for Adsorbable Organic Halogens (AOX) shall be conducted in accordance with a test method approved by EPA Region 6.

G. DISSOLVED OXYGEN SAMPLING

The permittee shall obtain dissolved oxygen samples ~~at least once per month during the months of July, August, and September~~ only at the following river mile locations:

<u>Location Number</u>	<u>Location</u>
1	River Mile 234.0
2	River Mile 229.0
3	River Mile 224.0
4	River Mile ≈ 222 (Outfall 002)
5	River Mile 218.7
6	River Mile 213.5
7	River Mile 208.8
8	River Mile 203.0
9	River Mile 198.0
10	River Mile 194.0
11	River Mile 190.2

The permittee shall maintain all monitoring results on-site and reasonably accessible to EPA and State officials upon request. Results shall be maintained for a period of at least five (5) years.

H. OUACHITA RIVER FLOW MONITORING DATA

The permittee shall obtain U.S.G.S. flow monitoring data from the State Line monitoring station on the Ouachita River upstream of the

Outfall 002 discharge point. For purposes of determining the Outfall 002, mass-based biochemical oxygen demand (BOD₅) effluent limitations, the permittee shall calculate an average flow rate in cubic feet per second (CFS). The average flow rate for a given day shall be an arithmetic average calculated from all data collected in the preceding seven (7) days. The average shall be calculated using a minimum of three daily flows from the preceding seven (7) days. This paragraph is only applicable during the months of July, August, and September.

I. OUTFALL 002 DISCHARGE SUMMARY REPORT

For the three (3) month period of July, August, and September, the permittee shall prepare a summary of the Outfall 002 biochemical oxygen demand (BOD₅) discharges. The summary shall be in tabular form and include the following information:

1. The dates and values of BOD₅ samples.
2. The daily maximum BOD₅ discharge determined in accordance with Part II.J.
3. The dates and values of the Ouachita River flow rate (CFS).
4. The Ouachita River flow rate (CFS) determined in accordance with Part II.H. above; and
5. The mass-based daily maximum BOD₅ effluent limitation corresponding to the Ouachita River flow rate listed above and determined in accordance with Part II.J. of this permit.

The permittee shall maintain this summary on-site and reasonably accessible to EPA and State officials upon request. Results shall be maintained for a period of at least five (5) years.

J. OUTFALL 002 ADDITIONAL BOD₅ EFFLUENT LIMITATIONS

For the three (3) month period of July, August, and September, the permittee shall not discharge BOD₅ from Outfall 002 at a daily maximum discharge rate which exceeds that shown below:

BOD₅ = 3340 lb/day, for flows < 780 CFS

BOD₅ = [3.054 x Flow(CFS) + 958] lb/day, for flows > 780 CFS
and flows < 3620 CFS

BOD₅ = 12,000 lb/day, for flows > 3620 CFS

The flows in the above mathematical depiction are Ouachita River flows determined in accordance with Part II.H. The daily maximum BOD₅ mass discharge for purposes of this requirement only shall be calculated by multiplying the average BOD₅ concentration from the previous seven (7) days by the daily flow and by 8.34. The average BOD₅ concentration from the previous seven (7) days shall be the arithmetic average of all BOD₅ samples analyzed in the preceding seven (7) days. A minimum of three individual samples is required to constitute the average.

K. WASTELOAD ALLOCATION REOPENER CLAUSE

This permit shall be reopened and modified to comply with all applicable provisions of the Ouachita River Basin water quality management plan if the plan is amended to require more stringent effluent limitations than presently specified by the permit.

L. MOSSY LAKE STUDY

The permittee shall conduct a study of Mossy Lake to ascertain the potential for environmental impacts resulting from backwater flooding of the lake. The focus of the study shall be the assessment of plant contributions to lake solids, the assessment of sediment scour during flooding events, the quantification of the organic content of the sediments, and the potential for protecting Mossy Lake from backwater flooding.

M. FISH TISSUE ANALYSIS

The permittee shall develop a Plan of Study to assess the levels of 2,3,7,8-tetrachloro-dibenzo-p-dioxin (2378-TCDD) and 2,3,7,8-tetrachloro-dibenzofuran (2378-TCDF) in ambient fish tissues downstream of the discharge. The permittee shall submit the Plan of Study to EPA Region 6 within sixty (60) days of the effective date of this permit. The EPA will review the Plan of Study and, upon approval, the Plan of Study shall become an enforceable part of this permit. Monitoring shall commence within one year of the date of EPA approval and shall be conducted during the summer months (June through August) at a frequency of once per year, in accordance with the approved Plan of Study. The fish shall be collected from the receiving waters downstream from the point of discharge. It is recommended that permittee attempt to collect three species of fish, with a target of five adult fish of each species. The permittee shall also attempt to collect at least one bottom feeding fish or shellfish and one predator fish species. Recommended species include the following:

Bottom Feeding Fish Species

Smallmouth Buffalo
Black Buffalo
Channel Catfish

Predator Fish Species

Flathead Catfish
Blue Catfish
White Bass
Largemouth Bass
Crappie
Bluegill

Edible fish fillet samples shall be analyzed and reported for 2378-TCDD and 2378-TCDF. The method of analysis for fish tissue samples shall be in accordance with the analytical protocol in either U. S. Environmental Protection Agency Method 1613: Tetra- through Octa- Chlorinated Dioxins and Furans by Isotope Dilution, July 1989, or National Council for Air and Stream Improvement (NCASI) method described in Technical Bulletin No. 551 (NCASI Method 551).

PART III
STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS**1. Introduction**

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

2. Duty to Comply

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

3. Toxic Pollutants

a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

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

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. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. Permit Flexibility

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Property Rights

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

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may

request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

8. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. 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.

10. State Laws

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

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.

SECTION B. PROPER OPERATION AND MAINTENANCE**1. Need to Halt or Reduce 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. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power source: standby generators or retention of inadequately treated effluent.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adverse effect on human health or the environment.

3. Proper Operation and Maintenance

a. 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 permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will 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 backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b. ~~The permittee shall provide an adequate operating staff which is duly qualified to carry out operations, maintenance and testing functions required to insure compliance with the conditions of this permit.~~

4. Bypass of Treatment Facilities

a. 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 Parts III.B.4.b. and 4.c.

b. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.

c. Prohibition of bypass

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

(c) The permittee submitted notices as required by Part III.B.4.b.

(2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

Upset Conditions

a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent

limitations if the requirements of Part III.B.5 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, final administrative action subject to judicial review.

b. 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:

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

(2) The permitted facility was at the time properly operated;

(3) The permittee submitted notice of the upset required by Part III.D.7; and,

(4) The permittee complied with any remedial measures required by Part III.B.2.

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

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment wastewater control shall be disposed of in a manner so as to prevent any pollutant from such materials from entering navigable waters.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:

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

b. Have access to and copy, at reasonable times, a records that must be kept under the conditions of this permit;

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

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

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitoring activity.

3. Retention of Records

The permittee shall retain records of all monitoring

information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

4. Record Contents

- Records of monitoring information shall include:
- The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) and time(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.

5. Monitoring Procedures

- Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
- The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
- An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

a. Industrial Permits

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

- The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,
- The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to

notification requirements listed at Part III.D.10.a.

b. Municipal Permits

Any change in the facility discharge (including introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) shall be reported to the permitting authority. In no case are any new connections, increased flows, significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Discharge Monitoring Reports and Other Reports

Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of DMR's and all other reports shall be submitted to the appropriate State agency(ies) at the following address(es):

EPA:

Water Management Division
Enforcement Branch (6W-E)
U.S. Environmental Protection
Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico:

Program Manager
Surface Water Section
Surface Water Quality Bureau
Environmental Improvement Division
New Mexico Health and
Environment Department
1190 Saint Francis Drive
Santa Fe, NM 87503

Oklahoma (Industrial Permits):

Director
Oklahoma Water Resources Board
P.O. Box 53585
Oklahoma City, OK 73152-3585

Louisiana:

Assistant Secretary for Water
Water Pollution Control Division
Louisiana Department of
Environmental Quality
P.O. Box 44091
Baton Rouge, LA 70804-4091

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. Twenty-Four Hour Reporting

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- (1) A description of the noncompliance and its cause;
- (2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,
- (3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Any upset which exceeds any effluent limitation in the permit; and,
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. Other Information

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

10. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvacultural permittees shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or

frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) One hundred micrograms per liter (100 µg/l);
- (2) 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;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
- (4) The level established by the Director.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 µg/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
- (4) The level established by the Director.

11. Signatory Requirements

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

a. All permit applications shall be signed as follows:

- (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) 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,
 - (b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- (3) For a municipality, State, Federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above.
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position, and,
- (3) The written authorization is submitted to the Director.

c. **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."

12. **Availability of Reports**

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. **Criminal**

a. **Negligent Violations**

The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. **Knowing Violations**

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. **Knowing Endangerment**

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

d. **False Statements**

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. **Civil Penalties**

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.

3. **Administrative Penalties**

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. **Class I Penalty**

Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.

b. **Class II Penalty**

Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed

in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

7. "Daily Average" (also known as monthly average) discharge limitation means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of "daily discharge(s)" of concentration determined during the calendar month where $C = \frac{\sum_{i=1}^n C_i Q_i}{\sum_{i=1}^n Q_i}$ and $n = \text{number of daily samples}$, daily average discharge
8. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
9. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
10. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
11. "Grab sample" means an individual sample collected in accordance with the Act.
12. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
13. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
14. "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.
15. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
16. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances,

extension, improvement, remodeling, additions, or alterations thereof.

17. "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.
18. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
19. The term "MGD" shall mean million gallons per day.
20. The term "mg/l" shall mean milligrams per liter or parts per million (ppm).
21. The term "ug/l" shall mean micrograms per liter or parts per billion (ppb).
22. Municipal Terms:
- "7-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
 - "30-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
 - "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
 - "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
 - "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
 - "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.