

**NPDES PERMIT NUMBER DC0000175
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

Super Concrete Corporation d/b/a Aggregate Industries
6401 Golden Triangle Drive, Suite 400
Greenbelt, Maryland 20770

is authorized to discharge from a facility located at

5001 Fort Totten Drive, N.E.
Washington, D.C. 20011

to receiving waters named

Unnamed tributary to
Northwest Branch of the Anacostia River


in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III herein.

The effective issuance date of this permit is January 6, 2013.

This Permit and the authorization to discharge shall expire five (5) years from the date of issuance, unless the permittee has submitted a complete and timely application for a new permit, and the U.S. Environmental Protection Agency (EPA), through no fault of the permittee, does not issue a new permit before the expiration date of this permit. In such a case, the permit will be administratively extended until such time as EPA issues a new permit.

This permit and the authorization to discharge shall expire at midnight, on: January 5, 2019.

Signed this 6th day of January, 2014


Jon M. Capacasa, Director
Water Protection Division
US Environmental Protection Agency
Region III

PART I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Subject to the following effluent limitations and conditions, beginning the effective date of this permit and lasting through its expiration date, Super Concrete Corporation d/b/a Aggregate Industries (“permittee”) is authorized to discharge from Outfall Number 004 (38°56'58" latitude and 77°00'5" longitude) both process water from truck washing and facility sweeping activities, and storm water from stock piles, production area and paved areas:

- A. The permittee shall comply with the effluent limitations and monitoring requirements contained in Table A.

Table A: Effluent Limitations

Parameter	Discharge Limitations				Monitoring Requirements	
	lb/day		other units (mg/l)		Measurement Frequency	Sample Type
	Average Monthly	Max Daily	Average Monthly	Max Daily		
Flow (gpm)	N/A	N/A	N/A	N/A	Once per discharge.	Measured
Total Suspended Solids (TSS)	33	66	23.4	46.8	Once per discharge.	Grab
Oil and Grease	N/A	N/A	10	15	Once per discharge.	Grab
Biochemical Oxygen Demand (BOD)	N/A	N/A	N/A	N/A	Once per discharge.	Report only by grab sampling

- B. The permittee shall not discharge wastewater with a pH of less than 6.0 standard units or greater than 8.5 standard units. The permittee shall sample for pH at the start of each discharge and weekly thereafter for the duration of the discharge. The permittee shall obtain grab samples and report the results of such sampling to EPA on each DMR.
- C. The permittee shall not discharge in amounts or combinations that do any of the following:

1. Settle to form objectionable deposits;
 2. Float as debris, scum, oil, or other matter to create a nuisance;
 3. Produce objectionable odor, color, taste, or turbidity;
 4. Cause injury to, are toxic to, or produce adverse physiological or behavioral changes in humans, plants, or animals;
 5. Produce undesirable or nuisance aquatic life or result in the dominance of nuisance species; or
 6. Impair the biological community that naturally occurs in the waters or depends upon the waters for its survival and propagation.
- D. The permittee shall perform monitoring and reporting each time a discharge occurs.
- E. The permittee shall only discharge from outfall 004.

PART II. STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may result in an enforcement action; permit termination, revocation and reissuance, or modification; and/or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

a. Administrative and Civil Penalties: Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), the EPA Administrator is authorized to assess administrative penalties against any person who violates any NPDES permit condition or limitation in an amount not to exceed \$10,000 per day for each day of violation, up to a total penalty amount of \$125,000. Further, Section 309(d) of the Act, 33 U.S.C. §1319(d), provides for civil penalties of up to \$25,000 per day of violations.

Pursuant to the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19 (effective January 12, 2009), any person who violates any NPDES permit condition or limitation after January 12, 2009 is liable for an administrative penalty not to exceed \$16,000 per day for each day of violation occurring after January 12, 2009 up to a total penalty amount of \$177,500. Further, any person who violates any NPDES permit condition or limitation after January 12, 2009 is liable for a civil judicial penalty of up to \$37,500 per day of violation.

b. Criminal Penalties. Pursuant to Section 309(c)(1)(A) of the Act, 33 U.S.C. § 1319(c)(1)(A), any person who negligently violates Sections 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing any such section, shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of such violation, or by imprisonment for not more than 3 years or both.

Pursuant to Section 309(c)(2)(A) of the Act, 33 U.S.C. § 1319(c)(1)(A), any person who knowingly violates Sections 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing any such section, shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of such violation, or 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 \$100,000 per day of violation, or by imprisonment of not more than 6 years, or by both.

Pursuant to Section 309(c)(3)(A) of the Act, 33 U.S.C. § 1319(c)(3)(A), any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 311(b)(3), 318, or 405 of the Clean Water Act, and who knows at the 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 by imprisonment of not more than 15 years or by both. In the case of an organization, the maximum fine for this crime is \$1,000,000.

Pursuant to Section 309(c)(4), any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this chapter, 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. False statements concerning matters with the jurisdiction of a federal agency are also punishable pursuant to 18 U.S.C. § 1001 by a prison term of up to five years, a fine of up to \$10,000 or both.

3. Duty to Mitigate

The permittee shall take all steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information newly acquired by the Agency, including but not limited to the results of the studies, planning, or monitoring described and/or required by this permit;
- e. Facility modifications, additions, and/or expansions;
- f. Any anticipated change in the facility discharge, including any new significant industrial discharge or changes in the quantity or quality of existing industrial discharges that will result in new or increased discharges of pollutants; or
- g. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- h. In the event of a revision of the District of Columbia's water quality standards and/or any applicable Total Maximum Daily Load (TMDL) wasteload allocations, this permit may be modified by EPA to reflect these revisions and the permittee shall comply with the new requirements.

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. When a permit is modified, only conditions subject to modification are reopened.

5. Toxic Pollutants

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act, 33 U.S.C. § 1317 (a), for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, the permittee shall comply with such standards or prohibitions within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to comply with the requirement.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Section B, Paragraph B-3 and "Upsets" Section B, Paragraph B-4, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act, U.S.C. §1321.

8. States 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 or District of Columbia law, regulation or ordinance under authority preserved by Section 510 of the Act. 33 U.S.C. § 1370.

9. Property Rights

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

10. Severability

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

11. Transfer of Permit

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. The current permittee notifies the EPA, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date.
- b. The notice includes a written agreement, between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them.

EPA has the authority to notify the current permittee and the new permittee of its intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted upon notification by the permittee of a change in ownership or control of facilities.

12. Construction Authorizations

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

13. Reopener Clause for Permits

This permit shall be modified or revoked and reissued, to incorporate any applicable effluent standard or limitation issued or approved under Section 301, 304, or 307 of the Clean Water Act, in accordance with the Chesapeake Bay Agreement based on water quality considerations, and if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

This permit may also be reopened as specified in CFR 40, Part 122.44

14. Endangered Species

Discharges, construction or any other activity that adversely affects a federally-listed endangered or threatened species are not authorized under the terms and conditions of this permit.

The permittee shall submit an annual summary of the monitoring data contained on its Discharge Monitoring Reports (DMRs) to the following addresses, no later than February 15 of each year following the year for which the summary is provided.

United States Environmental Protection Agency
Region III (3WP41)
Water Protection Division
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Attn: Mary Letzkus

NOAA National Marine Fisheries Service
Protected Resource Division
One Blackburn Drive
Gloucester, Massachusetts 01930

Attn: Christine Vaccarro

District of Columbia Department of the Environment
Fisheries and Wildlife Division
1200 First Street, N.E. 5th Floor
Washington, DC 20002
Attn: Bryan King

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. 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 includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the permittee shall, either to the extent necessary to maintain compliance with its permit, control production or halt all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. 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.

3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "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.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur

which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this section.

c. 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 submit notice of an unanticipated bypass as required in Paragraph II.D.6 (Twenty Four-Hour Notice).

d. 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 the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c of this Section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d(1) of this Section.

4. Upset Conditions

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

- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this Section are met. The 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.
- c. 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 can identify the specific cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset, as required in Section D, paragraph D-6; and
 - (4) The permittee complied with any remedial measures required under Section A, paragraph A-3.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

The permittee shall dispose of solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters in a manner such as to prevent all pollutants from such materials from entering navigable waters except in compliance with this permit.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

The permittee shall ensure that samples and measurements taken as required herein are representative of the volume and nature of the monitored discharge. The permittee shall take all samples at the monitoring points specified in this permit. The permittee shall not change monitoring points without notification and approval of the Director.

2. Flow Measurements

The permittee shall select and use appropriate flow measurement devices and methods consistent with accepted scientific practices to insure the accuracy and reliability of measurements of the

volume of monitored discharges. The permittee shall install, calibrate and maintain devices to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device.

In lieu of measured flow, the permittee may estimate flows. If the permittee chooses to estimate flows, it shall provide the methodology to EPA with each DMR submitted to EPA.

3. Monitoring Procedures

The permittee shall conduct monitoring according to test procedures approved under 40 C.F.R. Part 136 and subsequent updates, unless other test procedures have been specified in this permit.

4. Reporting of Monitoring Results

For a period of one year from the effective date of the permit, the permittee may submit monitoring data and other reports to EPA in hard copy form or report electronically using NetDMR, a Web-based tool that allows permittees to electronically submit discharge monitoring reports (DMRs) and other required reports via a secure internet connection. Beginning no later than one year after the effective date of the permit, the permittee shall begin reporting using NetDMR, unless the permittee is able to demonstrate a reasonable basis, as determined solely by EPA, that precludes the use of NetDMR for submitting DMRs and reports. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- a. The permittee may access NetDMR at <http://netdmrtest.epacdx.net/netdmr-web/public/home.htm>.
- b. The permittee shall submit such DMRs to EPA no later than the 15th day of the month following the completed reporting period. The permittee shall submit all reports required under the permit to both EPA and DDOE. Once the permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to EPA or hard copies of DMRs to DDOE. However, the permittee shall continue to send hard copies of reports other than DMRs to DDOE until such time that DDOE advises the permittee that it no longer requires hard copies of these reports.
- c. If the permittee chooses to submit a NetDMR Opt-Out Request, it must do so in writing to EPA at least sixty (60) days prior to the date that the Facility would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of EPA approval and shall therefore expire. At such time, the permittee shall submit DMRs and reports submitted electronically to EPA unless the permittee submits a renewed Opt-Out Request and such Request is approved by EPA. The permittee shall send all Opt-Out Requests to the following addresses:

U.S. EPA Region III(3WP30)
Water Protection Division
NPDES DMRs
1650 Arch Street
Philadelphia, PA 19103
Attn: Norma Greene

District Department of the Environment
Water Quality Division
1200 First Street, N.E., 5th Floor
Washington, D.C. 20002
Attn: Collin Burrell, Associate Director

d. The permittee shall make any verbal reports to both EPA and DDOE.

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 C.F.R. 136 (and subsequent updates thereto), or as specified in this permit, it shall include the result of this monitoring in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). The permittee shall also indicate on the DMR form the frequency with which it performed such monitoring.

6. Retention of Records

The permittee shall retain records of the following information for a period of at least three (3) years from the date of the sample, measurement, report or application: 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. This retention period may be extended upon notification by the Director at any time.

7. Record Contents

The permittee shall include the following information in its records of monitoring:

- a. The date, exact place, time and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

8. 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 law, to:

- a. Enter upon the permittee's premises at reasonable times where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any 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, processes, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

9. Definitions

- a. The "daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- b. The "average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
- c. The "average weekly discharge limitation" means the highest allowable average of "daily discharges" over 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.
- d. "The maximum daily discharge" limitations means the highest allowable "daily discharge."
- e. Composite Sample - A combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional

to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.

f. Grab Sample - An individual sample collected in less than 15 minutes.

g. The term “i-s” or “immersion stabilization” - A calibrated device is immersed in the effluent stream until the reading is stabilized.

h. The “monthly average” temperature means the arithmetic mean of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.

i. The “daily maximum” temperature means the highest arithmetic mean of the temperature observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.

j. The phrase “at outfall xxx” – refers to a sample location before the effluent joins or is diluted by an other waste stream, body of water, or substance or as otherwise specified.

k. The term “estimate” is to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.

l. “EPA” or “Director” means the U.S. Environmental Protection Agency.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall provide notice to the Director as soon as possible, but in any event at least three days prior to any planned physical alterations or additions to the permitted facility.

2. Anticipated Noncompliance

The permittee shall provide at least three days advance notice to the Director of any planned changes in the permitted facility or 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 as specified in Section A, paragraph A-11. 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 Clean Water Act.

4. Monitoring Reports

The permittee shall submit monitoring results at the intervals and in the form specified in Section C, paragraph C-5 (monitoring).

5. Compliance Schedules

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

6. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. The permittee shall provide any information orally within 24 hours from the time the permittee becomes aware of the circumstances, and in writing, within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; 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 steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall include the following as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours and the noncompliance does not endanger health or the environment.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D, Paragraphs D-1, D-4, D-5, and D-6 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-6.

8. Changes in Discharges of Toxic Substances

The permittee 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 of any toxic pollutant 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 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application;

(4) The level established in Part III of the permit by the Director.

b. That it has begun or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

9. 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.

10. 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. In the event that a timely and complete reapplication has been submitted and the Director is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

11. Signatory Requirements

The permittee shall sign and certify all applications, reports or information submitted to the

Director as required by 40 CFR 122.22.

12. Availability of Reports

Unless a business confidentiality claim is asserted pursuant to 40 C.F.R. Part 2, all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the District of Columbia Department of the Environment, Water Quality Division (DDOE-WQD) and the EPA Regional Administrator. If the permittee asserts and substantiates a business confidentiality claim, EPA will disclose the report only in accordance with the procedures in 40 C.F.R. Part 2. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

13. Correction of Reports

If the permittee becomes aware that it submitted incorrect information in any report to the Director, it shall promptly submit the correct information.

Part III. SPECIAL CONDITIONS

SECTION A: AMENDMENT TO EXISTING STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The permittee shall amend the current SWPPP in accordance with the District of Columbia's Final Rule on Stormwater Management and Soil Erosion and Sediment Control (July 19, 2013), and submit the amended SWPPP to the EPA Regional Office and the District Department of the Environment Water Quality Division (DDOE-WQD), for review whenever:

1. There is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States, or:
2. One of the following apply:
 - a. EPA or DDOE-WQD notifies the permittee of its finding that the SWPPP is ineffective in eliminating or minimizing pollutants from identified sources, or;
 - b. EPA or DDOE WQD notifies the permittee of its finding that storm water runoff from the facility causes, or has a reasonable potential to cause, or contributes to a violation of D.C. Water Quality Standards (WQS).

SECTION B: BIOMONITORING PROGRAM

1. Within 3 months of the effective date of this permit, the permittee shall submit to the EPA and DDOE-WPD a study plan to evaluate wastewater toxicity. The study plan shall include, at a minimum, a discussion of the following:

- (1) Wastewater and production variability;
- (2) Sampling and sample handling
- (3) Source and age of test organisms
- (4) Source of dilution water
- (5) Testing procedures
- (6) Data analysis
- (7) Quality assurance/quality control;
- (8) Report preparation
- (9) Testing schedule
- (10) Additional steps such as pH stabilization to approximate treated effluent.

2. The biomonitoring testing program shall consist of acute testing during one quarter, and chronic testing during a different quarter of the first year of the permit.

3. Each quarterly test shall include a test for Ceriodaphnia survival and reprotecton test and a fathead minnow larval survival and growth test.

4. Methodology. The permittee shall perform biomonitoring consistent with the methodology contained in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, EPA 821-R-02-013, October 2002 or subsequent edition.

5. Reporting of Results.

- a. The permittee shall report test results to EPA and DDOE-WQD within one month of completion of each set of test results.
- b. Reported results shall be expressed as NOEC, LOEC, ChV and IC25.
- c. If significant mortality occurs during the first 48 hours of the chronic tests, 48-hour LC50s shall be calculated and reported along with the chronic results.

