

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

NPDES PERMIT NO. AS0020048

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. §§ 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

Permittee Name	U.S. Army Corps of Engineers and Engineering/Remediation Resources Group
Permittee Address	USACE, CEPOH-PPE, Building 230 Ft. Shafter, HI 96858-5440
Facility Name	Former Aua Fuel Farm Temporary Water Treatment System
Facility Location Address	Near Highway 1 and Eastern Rim Road Intersection Aua Village, AS 96799 Eastern County
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Construction dewatering effluent	14° 16' 19.48" S	170° 39' 52.73" W	Pago Pago Harbor

Commented [WA(1)]: Seeking comments on exact discharge point. Proposed alternative options from the permittee include sites within 500 feet north or south along the coast of this Outfall 001 location. See Attachment B-3 for proposed discharge location alternatives.

This permit was issued on:	Date of signature below
This permit shall become effective on:	<IF no comments: 1 st of month after issue date, IF comments: 1 st of month following 33 days after issue date>
Permit reapplication due no later than:	<Effective date + 5 years – 180 days>
This permit shall expire at midnight on:	<Effective date + 5 years – 1 day>

In accordance with 40 CFR § 122.21(d), the permittee shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.

Signed for the Regional Administrator:

Tomás Torres, Director
Water Division

Date

DRAFT

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Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

A. Effluent Limits and Monitoring Requirements

1. Effluent Limits – Outfall Number 001
The permittee is authorized to discharge treated construction dewatering effluent from sewer line installation and fuel pipeline excavation trenches in compliance with the effluent limits and monitoring requirements specified in Table 1.
2. The discharge of pollutants at any point other than the outfall specifically authorized in this permit is prohibited.
3. The discharge of treated effluent from the facility to Pago Pago Harbor shall not exceed the projected maximum treatment capacity of 1,500 gallons per minute (“GPM”).
4. The discharge of sludge generated during the dewatering process is prohibited.
5. The discharge shall not cause conditions in the receiving water that are inconsistent with the American Samoa Water Quality Standards, 2018 Revision (“ASWQS”, available as American Samoa Administrative Rule 001-2019), including the narrative standards at ASWQS § 24.0206. The narrative standards in the ASWQS specify that the receiving waters:
 - a. Shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce objectionable color, odor, or taste, either of itself or in combinations, or in the biota;
 - b. Shall be substantially free from visible floating materials, grease, oil, scum, foam, and other floating material attributable to sewage, industrial wastes, or other activities of man;
 - c. Shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce visible turbidity or settle to form objectionable deposits;
 - d. Shall be substantially free from substances and conditions or combinations thereof attributable to sewage, industrial wastes, or other activities of man which may be toxic to humans, other animals, plants, and aquatic life or produce undesirable aquatic life;
 - e. Shall not deviate in temperature by more than 1.5 degrees Fahrenheit (“*F”) from conditions which would occur naturally and shall not fluctuate more than 1 degree Fahrenheit on an hourly basis or exceed 85 degrees Fahrenheit due to the influence of other than natural causes;
 - f. Shall not contain a concentration of radioactivity that results in accumulations or radioactivity in edible plants and animals that present a hazard to consumers or

are harmful to aquatic or terrestrial life, as recommended by the Federal Radiation Council in the “Radiation Protection Guides” (as compiled at <https://www.epa.gov/radiation/federal-guidance-radiation-protection>).

- g. Shall not contain a concentration of toxic pollutants that exceeds the more stringent of the aquatic life criteria for marine waters or the human health concentration criteria for consumption of organisms found in the U.S. Environmental Protection Agency’s (“EPA’s”) 2002 National Recommended Water Quality Criteria;
6. There shall be no changes in basin geometry or freshwater inflow that will alter current patterns in such a way as to adversely affect existing biological populations or sediment distribution. To protect estuarine organisms, no change in channels, basin geometry, or freshwater influx shall be made which would cause permanent changes in existing isohaline patterns of more than 10 percent.
7. The discharge shall not cause the concentration of dissolved oxygen to be less than 80 percent of saturation at any time, as influenced by salinity or naturally occurring temperature variations. Where natural conditions cause lower dissolved oxygen levels, controllable water quality factors shall not cause further reductions.
8. The discharge of runoff from petroleum-contaminated soil disposal areas, including the thermal treatment area at Onesosopo Park, is prohibited.

B. Effluent Limits and Monitoring Requirements – Outfall Number 001

Table 1. Effluent Limits and Monitoring Requirements

Parameter	Maximum Allowable Discharge Limits			Monitoring Requirements	
	Concentration and Loading				
	Average Monthly	Maximum Daily	Units	Frequency	Sample Type
Flow rate	(1)	(1)	MGD	Continuous	Meter
Visible Sheen and Foam	(1)	(1)	--	Daily	Visual Inspection and Log
Temperature	(1)	(1)	°F	(3)	Meter
Turbidity	0.75 ⁽⁴⁾	1.5	NTU	(3)	Grab ⁽²⁾
Total Suspended Solids (“TSS”)	—	100	mg/L	(3)	Grab ⁽²⁾
Oil and Grease	—	15	mg/L	(3)	Grab ⁽²⁾
pH	Between 6.5 and 8.6 at all times.		S.U.	(3)	Meter
Lead	7.0	14	µg/L	(3)	Grab ⁽²⁾
Remaining Metals ⁽⁵⁾	(1)	(1)	µg/L	(3)	Grab ⁽²⁾
Acenaphthene	90	(1)	µg/L	(3)	Grab ⁽²⁾
Benzo(a)anthracene	0.0013	0.0026	µg/L	(3)	Grab ⁽²⁾
Benzo(a)pyrene	0.00013	0.00026	µg/L	(3)	Grab ⁽²⁾
Benzo(b)fluoranthene	0.0013	0.0026	µg/L	(3)	Grab ⁽²⁾
Benzo(k)fluoranthene	0.013	0.026	µg/L	(3)	Grab ⁽²⁾
Chrysene	0.13	0.26	µg/L	(3)	Grab ⁽²⁾
Dibenzo(a,h)anthracene	0.00013	0.00026	µg/L	(3)	Grab ⁽²⁾
Fluoranthene	20	40	µg/L	(3)	Grab ⁽²⁾
Fluorene	70	(1)	µg/L	(3)	Grab ⁽²⁾
Indeno(1,2,3-cd)pyrene	0.0013	0.0026	µg/L	(3)	Grab ⁽²⁾
Naphthalene	—	20	µg/L	(3)	Grab ⁽²⁾
Pyrene	30	60	µg/L	(3)	Grab ⁽²⁾
Group II PAHs ⁽⁶⁾	—	100	µg/L	(3)	Grab ⁽²⁾
TPH-Diesel [TPH-DRO (C10-C28)]	—	640	µg/L	(3)	Grab ⁽²⁾
TPH-Residual [TPH-RRO (>C28-C40)]	—	640	µg/L	(3)	Grab ⁽²⁾
Benzene	16	32	µg/L	(3)	Grab ⁽²⁾
Ethylbenzene	130	261	µg/L	(3)	Grab ⁽²⁾
Toluene	520	1,045	µg/L	(3)	Grab ⁽²⁾
Xylene	10,000	20,100	µg/L	(3)	Grab ⁽²⁾

(1) No effluent limits are set at this time, but monitoring and reporting is required.

- (2) Results from grab samples collected for laboratory analysis and any field samples that meet the requirements of section 1.D.1 of this permit shall be reported as described in section 1.D of this permit.
- (3) The permittee shall collect a minimum of two samples during the first week of discharge (i.e., treatment system start-up). For any parameter detected above the effluent limit, monitoring shall continue weekly during discharge. All other parameters shall be sampled monthly.
- (4) This limit is expressed as a median monthly limit of 0.75 NTU.
- (5) Metals required to be monitored shall include antimony, arsenic, cadmium, chromium, copper, mercury, nickel, selenium, silver, and zinc.
- (6) Group II PAHs shall mean the sum of acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene.

C. Sampling

1. Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. Yes,
2. All samples shall be taken after in-plant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
3. For intermittent discharges, the permittee shall monitor on the first day of discharge. The permittee is not required to monitor in excess of the minimum frequency required in Table 1. If there is no discharge during the reporting period, the permittee shall report "C" in the "No Discharge" box on the DMR for the reporting period.

D. General Monitoring and Reporting

1. All monitoring shall be conducted in accordance with 40 CFR § 136 test methods, unless otherwise specified in this permit. For effluent analyses required in this permit, the permittee shall utilize 40 CFR § 136 test methods with MDLs and MLs that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML and the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure "total recoverable metal", except where stated otherwise in this permit.
2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
 - a. The test method number or title and published MDL or ML,
 - b. The preparation procedure used by the laboratory,

- c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR § 136,
- d. The standard deviation (S) from the laboratory's MDL study,
- e. The number of replicate analyses (n) used to compute the laboratory's MDL, and
- f. The laboratory's lowest calibration standard.

As part of each DMR submittal, the permittee shall notify EPA of any changes to the laboratory's test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory's test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

3. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples which specifies the procedures for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed within 10 days of the permit effective date and the permittee shall reviewed the QA Manual annually and revise it as appropriate. The date of the most recent review and revision shall be indicated on the QA Manual. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. At a minimum, the QA Manual shall include the following:
 - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; and personnel qualification requirements for collecting samples;
 - b. A description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR § 136.3); and chain of custody procedures;
 - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and
 - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. All field collection and laboratory analyses of samples shall be conducted in accordance with the QA/QC procedures documented in the QA Manual. If samples

are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file.

5. Samples collected during each month of the reporting period must be reported in the Discharge Monitoring Reports, as follows:

- a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or

NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or

NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.

- b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or

NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or

NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.

- c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:

The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.

6. The permittee shall include the following in records of monitoring information: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR § 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation. The permittee shall maintain these records on their premises and make them available to regulatory authorities on request. The permittee shall include the information specified in this paragraph in addition to information requirements specified and described in Part IV.A.10.c of this permit.

7. In accordance with the NPDES Electronic Reporting Rule, the permittee shall use CDX (<https://cdx.epa.gov/>) to access the NPDES Electronic Tool (NeT) and electronically submit the following program reports:
 - a. NetDMR/Discharge Monitoring Report
 - b. Groundwater Remediation dewater & Hydrostatic Testing
8. DMRs shall be submitted by the 28th day of the month following the previous quarterly reporting period. For example, the three DMRs for January, February, and March are due on April 28th. Quarterly and annual monitoring must be conducted starting in the first complete quarter or calendar year following the permit effective date. Annual reporting for annual monitoring is due on January 28th of the following year. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required.

E. Field Monitoring

1. The permittee shall conduct weekly in-situ field sampling at the monitoring location specified in section C.2 to determine if the implemented BMPs are functioning properly, and develop additional BMPs, as necessary to comply with the terms of this permit. If oil is identified in the
2. If any in-situ field monitoring results exceed the numeric and/or narrative effluent limits described in section I.A and I.B of this permit, the permittee shall cease discharge of dewatering effluent and follow the engineering controls and BMP procedures described in Part III.A of this permit.
3. The permittee shall keep a record of field monitoring results and instrumentation; including portable organic vapor monitors, turbidity meters, and pH meters; and shall make these records available to EPA and ASEPA upon request.
4. The permittee shall collect field samples by meter or other in-situ monitoring instrumentation. Results of field samples that do not meet the requirements of section 1.D.1 of this permit shall not be reported on DMRs.

F. Receiving Water Monitoring

1. The permittee shall conduct daily receiving water visual monitoring at Outfall 001 for oily sheen, foam, discoloration, or floating debris. Visual observations shall be conducted when treated effluent is being discharged from the facility.
2. The permittee shall keep a record of all visual monitoring, including any observations of sheen, foam, discoloration, or floating debris. The record shall be attached to the DMRs for the reporting period in which visual monitoring was conducted.

Part II. SPECIAL CONDITIONS

A. Permit Reopener(s)

1. In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.
2. In accordance with 40 CFR 122 and 124, this permit may be modified to include effluent limits or permit conditions to address toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.

B. Reporting of Noncompliance

1. The permittee is required to provide an oral report of the noncompliance within 24 hours of becoming aware of:
 - a. Any unanticipated bypass which exceeds any effluent limit in the permit;
 - b. Any upset which exceeds any effluent limit in the permit;
 - c. Violation of a maximum daily discharge limit for Lead, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Fluoranthene, Indeno(1,2,3-cd)pyrene, Naphthalene, Pyrene, Group II PAHs (as defined in Table 1), TPH-Diesel, [TPH-DRO (C10-C28)], TPH-Residual, [TPH-RRO (>C28-C40)], Benzene, Ethylbenzene, Toluene, or Xylene
 - d. Any other noncompliance which may endanger human health or the environment.
2. The permittee shall provide an oral report to both EPA and ASEPA at each of the following phone numbers within 24 hours from the time the permittee becomes aware of the noncompliance:

U.S. Environmental Protection Agency
Wastewater Enforcement Section (ENF-3-1)
(415) 947-4222

American Samoa Environmental Protection Agency
Water Quality Program Manager
(684) 633-2304
3. The permittee shall submit a written report within five days of the time the permittee becomes aware of the noncompliance. Written reports shall be emailed to

R9NPDES@epa.gov. The written report 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 reoccurrence of the noncompliance.

4. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.3, if the oral report has been received within 24 hours.

C. 401 Water Quality Certification

The permittee shall comply with all requirements set forth in ASEPA's 401 Water Quality Certification issued on **[DATE]. See Attachment D.**

Part III. BEST MANAGEMENT PRACTICES AND POLLUTION PREVENTION PLAN REQUIREMENTS

A. Best Management Practices

1. In accordance with section 304(e) of the CWA and 40 CFR § 122.44(k), prior to operation of the treatment facility and prior to any discharge, the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices ("BMPs"). Appropriate BMPs are those pollution prevention measures necessary to control site runoff, spillage and leaks, sludge and waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute measurable or observable amounts of such pollutants to surface waters.
2. The permittee must implement the BMPs that include, but are not limited to:
 - (1) discharge flow controls, including methods for measuring discharge flow, and control measures to prevent discharge exceeding the treatment capacity of the facility;
 - (2) engineering controls to prevent the discharge of untreated effluent or free product including:
 - i) a containment boom that fully surrounds the point of discharge; and removal of any free product from within the boom;
 - ii) if free product or a sheen is observed inside the containment boom, dewatering will be suspended, the treatment system will be inspected, and repairs (or modifications to the system) will be made, as needed to prevent discharge of free product or oil, prior to resuming water processing; and

- iii) if oil is identified in the harbor within the discharge zone, a fuel fingerprinting sample will be collected and submitted for laboratory analysis within 24 hours, and results shall be compared with fuel fingerprint results from the 2021 removal action to determine if the source is the water treatment plant effluent within 48 hours of receiving the results. If the source is the water treatment plant effluent, the permittee shall follow the procedures in paragraph III.A.2.(2)(ii) to suspend and remedy discharge of free product or oil.
- (3) good housekeeping: the permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to discharges;
- i) vehicle and equipment storage areas must be regularly inspected and cleaned for spills and leaks (including storm inlets); and have spill response equipment (e.g., drip pans, sorbent pads) to respond immediately to spills or leaks;
 - ii) vehicle and equipment fueling areas must have measures that prevent or minimize contamination of discharges from these areas such as covering the fueling area, using spill/overflow protection and cleanup equipment, using proper cleaning methods instead of hosing down area, minimizing run-on/runoff to fueling areas, and treating and/or recycling collected effluent;
 - iii) materials (e.g., greases, used oil/oil filters, cleaning solvents, hydraulic and transmission fluids, petroleum and oil-related products) must be stored in designated storage areas with appropriate storage vessels to contain the materials and prevent contamination of effluent; examples include storing the materials indoors and installing berms/dikes around area(s); proper storage of all materials shall comply with local and federal laws;
 - iv) vehicle and equipment (e.g., tank, fuel lines) cleaning areas must have measures to prevent or minimize contamination of effluent from all areas used for vehicle and equipment cleaning; these areas must have appropriate containment and/or diversionary structures or equipment to ensure wash water is filtered and recycled where feasible; and
 - v) vehicle and equipment maintenance areas must have measures that prevent or minimize contamination of effluent from all areas used for vehicle and equipment maintenance such as performing maintenance activities indoor; using drip pans, and treating and/or recycling collected effluent.
- (4) minimizing exposure: where practicable, industrial materials and activities must be protected to prevent exposure to rain or runoff.

- (5) preventive maintenance program, which includes timely inspections and maintenance of water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters; all BMPs must be maintained in effective operating condition to control source runoff.
 - (6) spill prevention and response procedures: the permittee is required to develop and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with 40 CFR § 112; the SPCC Plan must describe the procedures that will be followed for cleaning up spills or leaks and for disposal of oil and hazardous waste; measures for cleaning up spills or leaks and disposal of such materials must be consistent with applicable RCRA regulations at 40 CFR §§ 264 and 265 and CWA regulations at 40 CFR § 112.
 - (7) routine facility inspections: qualified personnel must inspect all areas of the facility where industrial materials or activities are exposed to water (i.e., storage areas for vehicles/equipment awaiting maintenance, fueling areas, vehicle/equipment maintenance areas, material storage areas, line-flushing area, vehicle/equipment cleaning areas, and loading/unloading area, location(s) of oil/water separators, storm drains, etc.); inspections must include an evaluation of existing BMPs; and inspections shall occur at least once per week.
 - (8) pollution prevention training program for the facility; Prior to operating in areas where industrial materials or activities generate effluent, all employees and contractors shall be trained in spill response, good housekeeping and material management practices, proper fueling practices, and proper painting or sandblasting procedures for the removal of paint. All employees and contractors shall be re-trained at least once per year. A log of training dates, the topics covered, and participants in each training must be maintained onsite.
 - (9) sediment and erosion control: structural, vegetative, and/or stabilization BMPs to limit erosion must be implemented in areas of the facility that have a potential for significant soil erosion.
3. Control measures, including BMPs, must be designed to meet the following non-numeric technology-based limitations:
- (1) Minimize the potential for violations of the terms of this permit, taking corrective actions, when necessary;
 - (2) Minimize the number and quantity of pollutants and/or the toxicity generated, discharged, or potentially discharged at the site;

- (3) Minimize discharges of pollutants from the dewatering activities, by preventing contamination of groundwater from material storage areas, treatment and material handling areas, loading and unloading operations, and accidental leaks or spills, and minimizing contamination of groundwater by stormwater on the site through use of on-site control measures and implementation of material compatibility and good housekeeping practices; and

Use pollution control technologies to meet the discharge limitations and requirements in this permit, including the proper operation and maintenance of the treatment system.

B. Pollution Prevention Plan

1. Prior to operation of the treatment facility and prior to any discharge, the permittee shall prepare a Pollution Prevention Plan (“Plan”) that describes the pollution prevention measures or BMPs that shall be implemented at the facility, which must meet the minimum requirements detailed under Part III.A of this permit.
2. The Plan must identify the potential sources of pollution that may reasonably be expected to affect the quality of the effluent discharges from the facility and describe the design specifications and implementation practices that will be used to reduce the pollutants in effluent discharges from the facility and assure compliance with the terms and conditions of this permit. The Plan must be retained onsite.
3. The Plan shall include at a minimum the following contents:
 - a. the identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the Plan.
 - b. a description of the facility that includes:
 - (1) a description of the nature of the industrial activity(ies) at the facility;
 - (2) a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility;
 - (3) treatment system schematics, drawings, and/or maps, including up-to-date facility site plans;
 - (4) a drainage site map identifying the directions (using arrows) of water flow; locations of all existing structural BMPs and all surface water bodies; locations of potential pollutant sources and locations of significant materials and activities (e.g., fueling stations, vehicle and equipment cleaning areas, loading/unloading areas, locations used for treatment, storage and disposal of wastes, processing and storage areas, liquid storage tanks, location of transfer

of substance in bulk, etc.) that exposed to precipitation; and locations of outfalls.

- c. the name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.
 - d. a summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate effluent and those that are exposed to stormwater (e.g., on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas) are located and a list of associate pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity.
 - e. a plan for compliance with the terms of this permit documenting how control measures will be implemented, including BMPs, to meet the technology-based limitations in Part III.A.3.
 - f. a description of existing and planned BMPs for discharge controls; the Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to stormwater or generate non-stormwater discharges.
 - g. a copy of this permit.
4. The Plan must have management approval and shall display the date of the most recent management approval.
 5. The Plan shall be updated whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.
 6. The Plan shall be updated whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.
 7. The most current version of the Plan must be retained on-site and be made available, upon request by EPA or ASEPA.

Part IV. STANDARD CONDITIONS

The permittee shall comply with all EPA Region 9 Standard Conditions below.

A. All NPDES Permits

In accordance with 40 CFR § 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

1. Duty to comply; at 40 CFR § 122.41(a).

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

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, 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 sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 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 of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 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 of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the

CWA, 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 of 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 of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, 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.¹

- c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.¹
2. Duty to reapply; at 40 CFR § 122.41(b).

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. Any permittee with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.

3. Need to halt or reduce activity not a defense; at 40 CFR § 122.41(c).

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.

4. Duty to mitigate; at 40 CFR § 122.41(d).

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.

5. Proper operation and maintenance; at 40 CFR § 122.41(e).

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

¹ The civil and administrative penalty amounts are adjusted annually for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the current penalty amounts are set forth in 40 CFR § 19.4.

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 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 the permit.

6. Permit actions; at 40 CFR § 122.41(f).

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.

7. Property rights; at 40 CFR § 122.41(g).

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

8. Duty to provide information; at 40 CFR § 122.41(h).

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.

9. Inspection and entry; at 40 CFR § 122.41(i).

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

- a. 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;
- 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, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10. Monitoring and records; at 40 CFR § 122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR § 503), 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.
- c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed
 - (4) The individuals(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 136 unless otherwise specified in 40 CFR § 503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or 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.

11. Signatory requirement; at 40 CFR § 122.41(k).

- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR § 122.22.) 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: (i) 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 (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR § 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR § 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
- (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: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, 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 in paragraph (a) of this section;
- (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 well field, superintendent, position of equivalent responsibility, or an individual or

position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Director.

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

d. Certification. Any person signing a document under paragraph (a) or (b) of 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.”

e. The CWA 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 non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements; at 40 CFR § 122.41(l).

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

(1) 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 § 122.29(b); or

(2) 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 under 40 CFR § 122.42(a)(1).

- (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, an 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;
- b. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. 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 CWA. (See 40 CFR § 122.61; in some cases, modification or revocation and reissuance is mandatory.)
 - (1) Transfers by modification. Except as provided in paragraph (2) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR § 122.62(b)(2)), or a minor modification made (under 40 CFR § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
 - (2) Automatic transfers. As an alternative to transfers under paragraph (1) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;
 - (B) 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; and
 - (C) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21,

2016 all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.

- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
- (1) 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 report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report 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 reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2025 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR §

127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.

- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)
 - (ii) Any upset which exceeds any effluent limitation in the permit.
 - (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)
- (3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR § 122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.
- h. 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.

13. Bypass; at 40 CFR § 122.41(m).

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 40 CFR § 122.41(m)(3) and (m)(4) 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 (l)(6) of this section (24-hour notice).
- (3) As of December 21, 2025 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

d. Prohibition of bypass.

- (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) 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 preventative maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (m)(3) 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 (m)(4)(i) of this section.

14. Upset; at 40 CFR § 122.41(n).

- 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 preventative 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 (n)(3) of this section 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.
 - 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 cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (l)(6)(ii)(B) of this section (24 hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (d) of this section.
 - d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
15. Reopener Clause; at 40 CFR § 122.44(c).

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

16. Minor modifications of permits; at 40 CFR § 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR § 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR § 124 draft permit and public notice as required in 40 CFR § 122.62. Minor modifications may only:

- a. Correct typographical errors;
 - b. Require more frequent monitoring or reporting by the permittee;
 - c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
or
 - d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
 - e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR § 122.29.
 - f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
 - g. Incorporate conditions of a publicly owned treatment works ("POTW") pretreatment program that has been approved in accordance with the procedures in 40 CFR § 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR § 403.18) as enforceable conditions of the POTW's permits.
17. Termination of permits; at 40 CFR § 122.64.
- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
 - (1) Noncompliance by the permittee with any conditions of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - (3) 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; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA § 308

Except for data determined to be confidential under 40 CFR § 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

19. Removed Substances; pursuant to CWA § 301

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

20. Severability; pursuant to CWA § 512

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 remainder of this permit, shall not be affected thereby.

21. Civil and Criminal Liability; pursuant to CWA § 309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

22. Oil and Hazardous Substances Liability; pursuant to CWA § 311

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 CWA.

23. State, Tribe, or Territory Law; pursuant to CWA § 510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA § 510.

B. *Specific Categories of NPDES Permits*

In accordance with 40 CFR § 122.42, the following conditions, in addition to those set forth at 40 CFR § 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

1. Existing manufacturing, commercial, mining, and silviculture dischargers; at 40 CFR § 122.42 (a). All existing manufacturing, commercial, mining, and silviculture dischargers must notify the Director as soon as they know or have 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 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 in accordance with 40 CFR § 122.21(g)(7); or
 - (4) The level established by the Director in accordance with 40 CFR § 122.44(f).
 - 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 in accordance with 40 CFR § 122.21(g)(7).
 - (4) The level established by the Director in accordance with 40 CFR § 122.44(f).

Attachment A: Definitions

1. “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 that month.
2. “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.

3. “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A “composite” sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A “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.
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. “Free product” is light non-aqueous phase liquid (e.g., petroleum oil, gasoline, diesel fuel) that has a density less than water and is immiscible with water.
9. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
10. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR §

136. The procedure for determination of a laboratory MDL is in 40 CFR § 136, Appendix B.

11. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR § 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
 - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
 - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10ⁿ, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18 = 7.95 µg/l. The multiple of (1, 2, or 5) x 10ⁿ nearest to 7.95 is 1 x 10¹ = 10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)
12. A “NODI(B)” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
13. A “NODI(Q)” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.

Attachment B: Location Map

Figure B-1: Former Aua Fuel Farm and Pipeline Location Map



Figure B-2: Monitoring Well Location Map

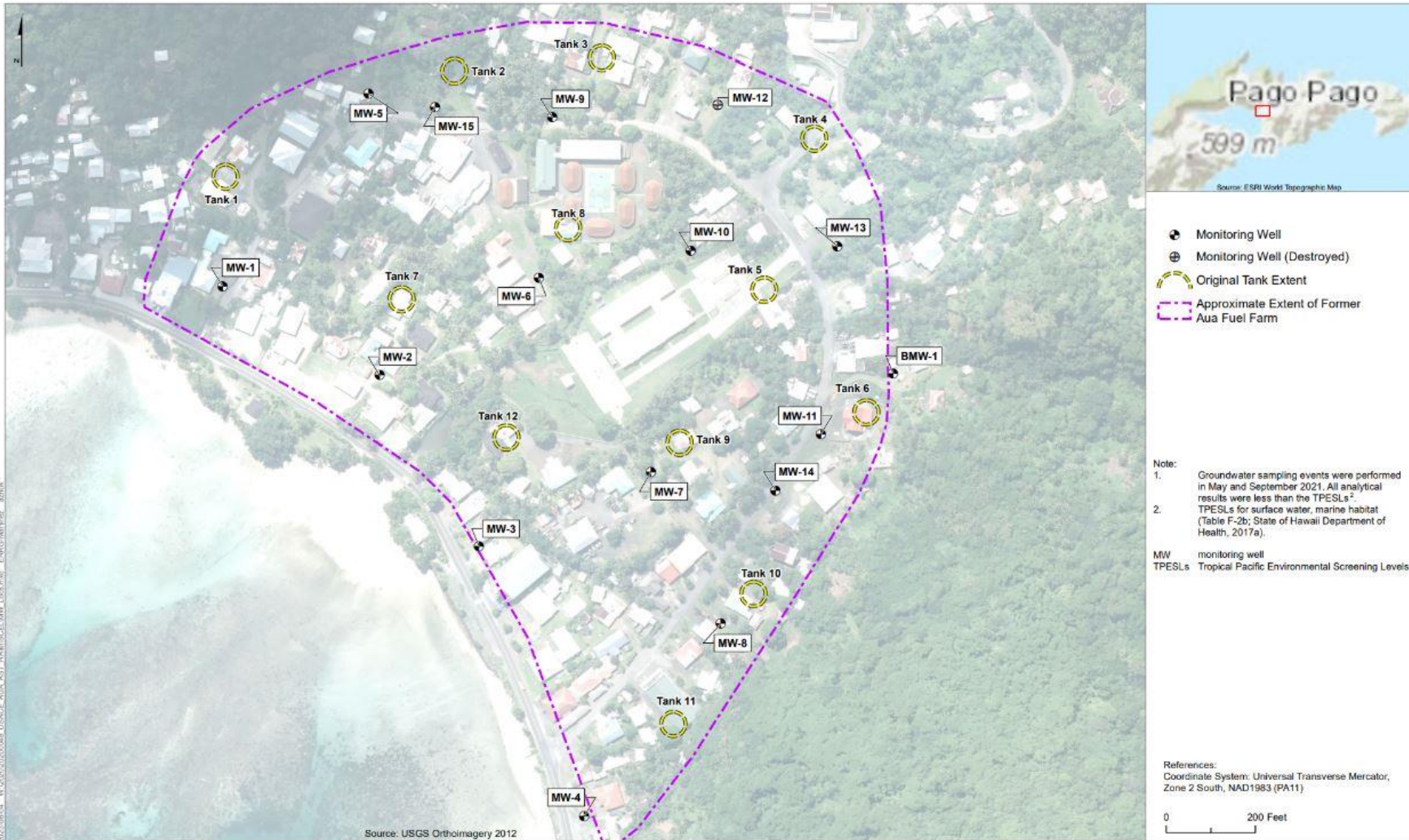


Figure B-3: Temporary Wastewater Treatment Facility, Trench, and Discharge Location Map



Commented [WA(2): Discharge Point 1 is the preferred option, but EPA seeks comments on this and alternative discharge locations 2-6.



- Discharge Point for Indicated Potential Water Treatment System Location
 - Approximate Extent of Former Aua Farm
 - Potential Water Treatment System Location (20' x 200')
 - Trenches
 - Phase 2 Gravity Main
 - Phase 2 Lateral 4"
 - Coral/Algae
 - Rock
 - Rubble
 - Sand
- Note:
 The discharge point will be surrounded by an oil containment boom.
- Coordinate System: Universal Transverse Mercator, Zone 2 South, NAD1983 (PA11)

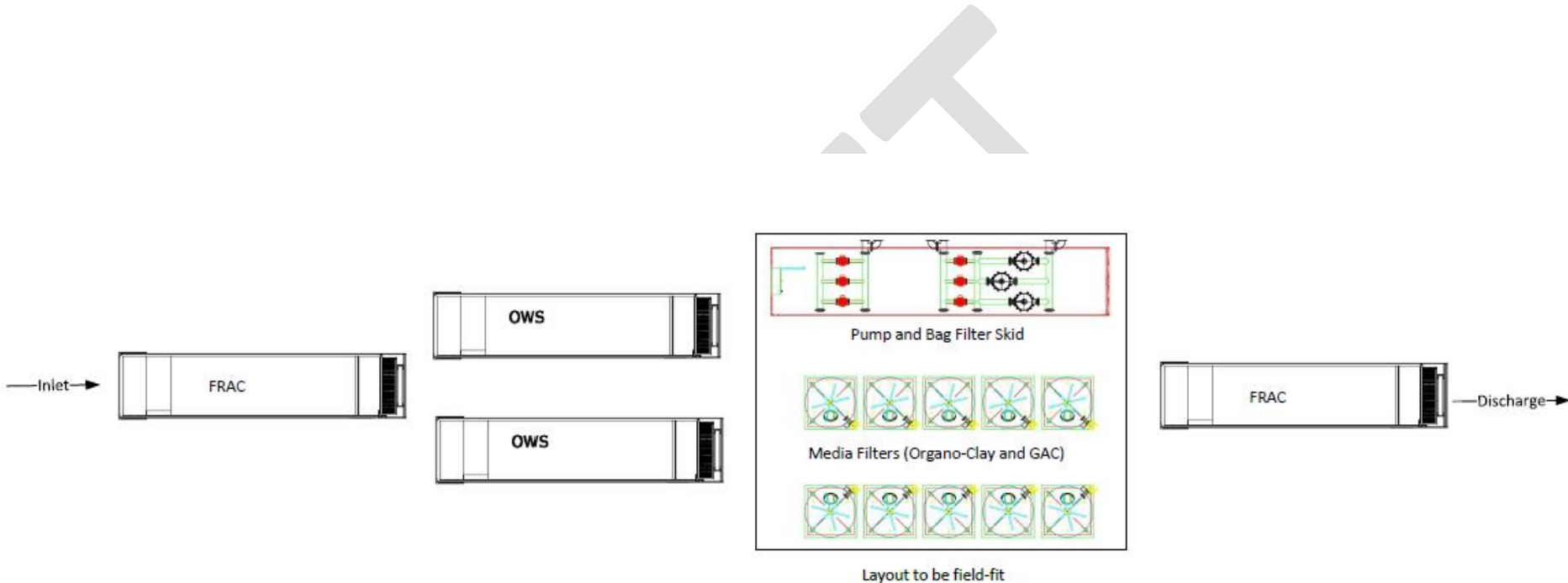
Figure B-4: Staging/Thermal Treatment Area Map (Onesosopo Park)



Figure B-5: Aua Valley Topographic Map



Attachment C: Wastewater Flow Schematic



Attachment D: 401 Water Quality Certification, [DATE]

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