

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101-3188

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 USC §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”,

**Suquamish Wastewater Treatment Plant  
Kitsap County Public Works**  
18000 Suquamish Way NE  
Suquamish, Washington 98392

is authorized to discharge from the Suquamish Wastewater Treatment Plant located in Suquamish, Washington, at the following location(s):

| <b>Outfall</b> | <b>Receiving Water</b>    | <b>Latitude</b> | <b>Longitude</b> |
|----------------|---------------------------|-----------------|------------------|
| 001            | Puget Sound, Port Madison | 47.726 N        | 122.547 W        |

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective *insert date*

This permit and the authorization to discharge shall expire at midnight, *insert date*

The permittee shall reapply for a permit reissuance on or before *insert date*, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

**DRAFT**

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CAPT, USPHS  
Branch Chief  
Permitting, Drinking Water and Infrastructure  
Water Division

**SCHEDULE OF SUBMISSIONS**

The following is a summary of the items the permittee must complete and/or submit to EPA during the term of this permit.

| <b>Item</b>  | <b>Due Date</b>   |
|--|---|
| Discharge Monitoring Reports (DMR)                 | DMRs are due monthly and must be postmarked on or before the 20 <sup>th</sup> of the month following the monitoring month (See Part III.B.1 of this permit).  |
| Quality Assurance Plan (QAP)                       | The permittee must provide EPA and the Suquamish Tribe with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see Part II.D of this permit). The Plan must be kept on site and made available to EPA and the Suquamish Tribe upon request.  |
| Operation and Maintenance (O&M) Plan               | The permittee must provide EPA and the Suquamish Tribe with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see Part II.C of this permit). The Plan must be kept on site and made available to EPA and the Suquamish Tribe upon request. The Permittee must notify EPA of any updates made to their Plan. |
| NPDES Application Renewal                          | The application must be submitted at least 180 days before the expiration date of the permit (see Part V.B of this permit).   |
| Outfall Evaluation Report                          | The Report must be submitted with the next permit application (see Part II.F of this permit).   |
| Twenty-Four Hour Notice of Noncompliance Reporting | The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances (see Part III.G of this permit).   |
| Emergency Response and Public Notification Plan    | The permittee must develop and implement an overflow emergency response and public notification plan. The permittee must submit written notice to EPA and the Suquamish Tribe, that the plan has been developed and implemented within 180 days of the effective date of this permit (see Part II.H of this permit).  |

|                                 |  |
|---------------------------------|--|
| List of the Industrial Users    | The Permittee must develop and maintain a master list of the industrial users introducing pollutants to the POTW. The Permittee must submit this list within two years following the effective date of the NPDES permit (see Part II.G.3 of this permit).  |
| Develop Municipal Code          | The Permittee must develop a legally enforceable municipal code to authorize or enable the POTW to apply and enforce the requirements of sections 307 (b) and (c) and 402(b)(8) and (9) of the Act. The draft legal authority must be submitted to EPA for review and comment within one year of the effective date of the permit. Within 180 days following EPA comment, the Permittee must adopt, implement, and enforce the local pretreatment legal authority (see Part II.G.6 and II.G.7 of this permit). |
| Reporting for Shellfish Program | The permittee must immediately report unauthorized discharges such as collection system overflows, plant bypasses, or failure of disinfection system (see Part III.H).   |
| Nitrogen Optimization Planning  | The permittee must conduct Nitrogen Optimization Planning Requirements and provide reports as described (see Part II.A).   |
| AKART Analysis                  | The Permittee must submit the AKART Analysis (or obtain waiver of the requirement) within 48 months of the effective date of the NPDES permit (see Part II.B).   |

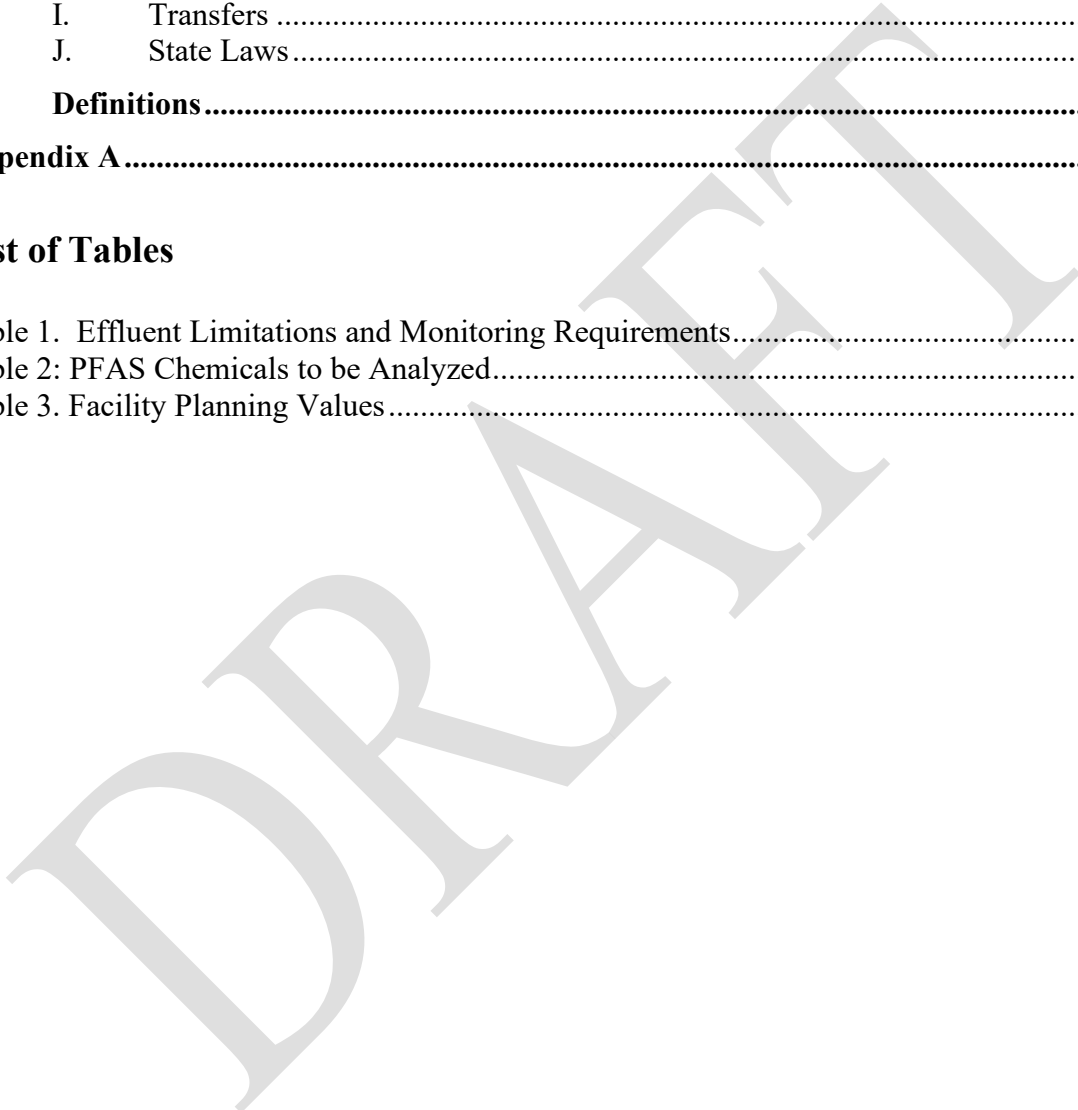
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**I. LIMITATIONS AND MONITORING REQUIREMENTS****A. Discharge Authorization**

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Port Madison in Puget Sound, within the limits and subject to the conditions set forth herein. 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.

**B. Effluent Limitations and Monitoring**

1. The permittee must limit and monitor discharges from Outfall 001 as specified in Table 1, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the table at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

**Table 1. Effluent Limitations and Monitoring Requirements**

| Parameter                                     | Units      | Effluent Limitations |                |               | Monitoring Requirements |                  |                          |
|---|------------|----------------------|----------------|---------------|-------------------------|------------------|--------------------------|
|   |            | Average Monthly      | Average Weekly | Maximum Daily | Sample Location         | Sample Frequency | Sample Type              |
| <b>Parameters with Effluent Limits</b>        |            |                      |                |               |                         |                  |                          |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | mg/L       | 30                   | 45             | --            | Influent and Effluent   | 1/week           | 24-hour composite        |
|   | lbs/day    | 100                  | 150            | --            |                         |                  | Calculation <sup>1</sup> |
| BOD <sub>5</sub> Percent Removal              | %          | 85 (minimum)         | --             | --            | --                      | 1/month          | Calculation <sup>2</sup> |
| Total Suspended Solids (TSS)                  | mg/L       | 30                   | 45             | --            | Influent and Effluent   | 1/week           | 24-hour composite        |
|   | lbs/day    | 100                  | 150            | --            |                         |                  | Calculation <sup>1</sup> |
| TSS Percent Removal                           | %          | 85 (minimum)         | --             | --            | --                      | 1/month          | Calculation <sup>2</sup> |
| Fecal Coliform Bacteria <sup>3</sup>          | CFU/100 ml | 200                  | 400            | --            | Effluent                | 3/week           | Grab                     |
| pH  | std units  | Between 6.0 – 9.0    |                |               | Effluent                | 5/week           | Grab                     |

| Parameter  | Units             | Effluent Limitations |                |               | Monitoring Requirements |                        |                   |
|--|-------------------|----------------------|----------------|---------------|-------------------------|------------------------|-------------------|
|  |                   | Average Monthly      | Average Weekly | Maximum Daily | Sample Location         | Sample Frequency       | Sample Type       |
| <b>Report Parameters</b>   |                   |                      |                |               |                         |                        |                   |
| Flow   | mgd               | Report               | --             | Report        | Influent and Effluent   | Continuous             | Metered/recorded  |
| Temperature <sup>4</sup>   | °C                | Report               | --             | Report        | Effluent                | 2/week                 | Grab              |
| Enterococci Bacteria   | CFU or MPN/100 ml | Report               | --             | Report        | Effluent                | 1/month                | Grab              |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) <sup>5</sup> | mg/L              | Report               | --             | Report        | Influent and Effluent   | 2/month <sup>6</sup>   | 24-hour composite |
| Total Organic Carbon <sup>5</sup>  | mg/L              | --                   | --             | Report        | Effluent                | 1/quarter              | 24-hour composite |
| Total Ammonia <sup>5</sup>   | mg/L as N         | Report               | --             | Report        | Influent and Effluent   | 2/month <sup>6,7</sup> | 24-hour composite |
| Nitrate + Nitrite Nitrogen <sup>7</sup>                                  | mg/L as N         | Report               | --             | --            | Influent                | 1/month <sup>7</sup>   | 24-hour composite |
|  |                   | Report               | --             | Report        | Effluent                | 2/month <sup>6,7</sup> | 24-hour composite |
| Total Inorganic Nitrogen <sup>7,8</sup>                                  | mg/L as N         | Report               | --             | Report        | Effluent                | 2/month <sup>6</sup>   | Calculation       |
| Total Inorganic Nitrogen Load <sup>7,9</sup>                             | lbs/day           | Report               | --             | --            | Effluent                | 2/month <sup>6</sup>   | Calculation       |
| Cumulative Monthly Total Inorganic Nitrogen <sup>7,10</sup>              | lbs               | Report               | --             | --            | Effluent                | 1/month                | Calculation       |
| Annual Total Inorganic Nitrogen, year to date <sup>7,11</sup>            | lbs               | Report               | --             | --            | Effluent                | 1/month                | Calculation       |
| Total Kjeldahl Nitrogen  | mg/L as N         | Report               | --             | Report        | Influent                | 1/month <sup>7</sup>   | 24-hour composite |

| Parameter   | Units                     | Effluent Limitations |                |               | Monitoring Requirements |                         |                   |
|---|---------------------------|----------------------|----------------|---------------|-------------------------|-------------------------|-------------------|
|   |                           | Average Monthly      | Average Weekly | Maximum Daily | Sample Location         | Sample Frequency        | Sample Type       |
| Alkalinity  | mg/L as CaCO <sub>3</sub> | Report               | --             | Report        | Effluent                | 1/year                  | Grab              |
| Dissolved Oxygen  | mg/L                      | Report               |                | Report        | Effluent                | 1/month                 | Grab              |
| Per- and Polyfluoroalkyl Substances (PFAS) <sup>12</sup>  | ng/L                      | Report               | --             | Report        | Influent and Effluent   | Quarterly <sup>13</sup> | 24-hour composite |
|   | mg/kg dry weight          | --                   | --             | Report        | Sludge                  | Quarterly <sup>13</sup> | Grab              |
| <b>Effluent Testing for Permit Renewal</b>  |                           |                      |                |               |                         |                         |                   |
| Permit Application Effluent Testing Data <sup>13</sup>  |                           | --                   |                |               | Effluent                | 1/year                  | --                |
| <p><b>Notes</b> (Notes #7-11 are conditions from Ecology's Second Amendment to Order #16892 Section CWA 401 Certification dated May 13, 2022)</p> <ol style="list-style-type: none"> <li>Loading (in lbs/day) is calculated by multiplying the concentration (in mg/L) by the corresponding flow (in mgd) for the day of sampling and a conversion factor of 8.34. For more information on calculating, averaging, and reporting loads and concentrations see the <i>NPDES Self-Monitoring System User Guide</i> (EPA 833-B-85-100, March 1985).</li> <li>Percent Removal. The monthly average percent removal must be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month using the following equation:<br/>(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration x 100. Influent and effluent samples must be taken over approximately the same time period.</li> <li>The average monthly Fecal Coliform bacteria counts must not exceed a geometric mean of 200/100 ml (Average Weekly Limit), and 400/100ml (Average Monthly Limit) based on a minimum of five samples taken every 3 - 7 days within a calendar month. See Part VI of this permit for a definition of geometric mean. The Department of Ecology provides directions to calculate the monthly and weekly geometric mean in publication No. 04-10-020, Information Manual for Treatment Plant Operators available at: <a href="https://fortress.wa.gov/ecy/publications/documents/0410020.pdf">https://fortress.wa.gov/ecy/publications/documents/0410020.pdf</a>.</li> <li>Temperature to be measured during the warmest period of the day.</li> <li>Reporting requirements are conditions from Ecology's Second Amendment to Order #16892 Section CWA 401 Certification dated May 13, 2022.</li> <li>2/month means two times during each month and on a rotational basis throughout the days of the week, except weekends and holidays.</li> <li>Total Ammonia and Nitrate + Nitrite (influent and effluent) and TKN (influent) samples must be taken on the same calendar day.</li> <li>Calculate the Total Inorganic Nitrogen concentration (mg/L as N) using the following equation:<br/> <math display="block">\text{TIN concentration (mg/L as N)} = \text{Total Ammonia (mg/L as N)} + \text{Nitrate plus Nitrite (mg/L as N)}</math> </li> </ol> |                           |                      |                |               |                         |                         |                   |



| Parameter   | Units | Effluent Limitations |                |               | Monitoring Requirements |                  |             |
|---|-------|----------------------|----------------|---------------|-------------------------|------------------|-------------|
|   |       | Average Monthly      | Average Weekly | Maximum Daily | Sample Location         | Sample Frequency | Sample Type |
| <p>If the Permittee conducts additional Total Ammonia and/or Nitrate + Nitrite Nitrogen sampling during the month, the average of the concentration results must be used in the above equation.</p> <p>9. Calculate the Total Inorganic Nitrogen load (lbs/day as N) using the following equation:<br/> <math display="block">\text{TIN load (lbs/day as N)} = \text{TIN concentration (mg/L as N)} \times \text{average monthly flow (mgd)} \times 8.34</math></p> <p>10. Calculate the Average Monthly Total Inorganic Nitrogen Load (lbs as N) using the following equation:<br/> <math display="block">\text{Monthly average TIN load (lbs as N)} = \text{TIN load (lbs/day as N)} \times \text{number of days in the calendar month}</math></p> <p>11. For each discrete 12-month period, calculate the cumulative annual total inorganic nitrogen, year to date using the following calculation:<br/> <math display="block">\text{Annual TIN load (lbs as N)} = \sum \text{Monthly average TIN loads, to date}</math></p> <p>12. See Part I.B.7.</p> <p>13. Quarters are defined as: January 1 to March 31; April 1 to June 30; July 1 to September 30; and October 1 to December 31. Monitoring for PFAS chemicals is required for 2 years (8 quarters), beginning at the start of the first complete quarter in the third year of the permit term.</p> <p>14. Effluent Testing Data - See NPDES Permit Application Form 2A, Tables A and B for the lists of pollutants to be included in this testing. The Permittee must use sufficiently sensitive analytical methods in accordance with Part I.B.4 of the Permit. Monitoring results shall be reported in the January DMR of the following year.</p> |       |                      |                |               |                         |                  |             |

2. Narrative limitations for floating, suspended or submerged matter: The permittee must not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses.
3. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
4. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
  - a) Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Table 1 Effluent Limitations and Monitoring Requirements.
  - b) Parameters that do not have effluent limitations.
    - (i) The permittee must use a method that detects and quantifies the level of the pollutant, or
    - (ii) The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A
  - c) For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.

- d) See also Part III.C Monitoring Procedures.
5. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if a value is less than the ML, the permittee must report “less than {numeric value of the ML}.”
  6. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, and the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of the ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.
  7. Prior to approval of analytical methods for PFAS chemicals under 40 CFR Part 136, the permittee must use the Final EPA Method 1633. After analytical methods for PFAS chemicals are approved under 40 CFR Part 136, the permittee may use any sufficiently sensitive approved analytical method. The PFAS chemicals that must be analyzed are listed in Table 2.

**Table 2: PFAS Chemicals to be Analyzed**

| Target Analyte Name                              | Abbreviation | CAS Number |
|--|--------------|------------|
| <b>Perfluoroalkyl carboxylic acids</b>           |              |            |
| Perfluorobutanoic acid                           | PFBA         | 375-22-4   |
| Perfluoropentanoic acid                          | PFPeA        | 2706-90-3  |
| Perfluorohexanoic acid                           | PFHxA        | 307-24-4   |
| Perfluoroheptanoic acid                          | PFHpA        | 375-85-9   |
| Perfluorooctanoic acid                           | PFOA         | 335-67-1   |
| Perfluorononanoic acid                           | PFNA         | 375-95-1   |
| Perfluorodecanoic acid                           | PFDA         | 335-76-2   |
| Perfluoroundecanoic acid                         | PFUnA        | 2058-94-8  |
| Perfluorododecanoic acid                         | PFDoA        | 307-55-1   |
| Perfluorotridecanoic acid                        | PFTTrDA      | 72629-94-8 |
| Perfluorotetradecanoic acid                      | PFTeDA       | 376-06-7   |
| <b>Perfluoroalkyl sulfonic acids (acid form)</b> |              |            |
| Perfluorobutanesulfonic acid                     | PFBS         | 375-73-5   |
| Perfluoropentanesulfonic acid                    | PFPeS        | 2706-91-4  |
| Perfluorohexanesulfonic acid                     | PFHxS        | 355-46-4   |
| Perfluoroheptanesulfonic acid                    | PFHpS        | 375-92-8   |
| Perfluorooctanesulfonic acid                     | PFOS         | 1763-23-1  |
| Perfluorononanesulfonic acid                     | PFNS         | 68259-12-1 |

|   |              |             |
|---|--------------|-------------|
| Perfluorodecanesulfonic acid                        | PFDS         | 335-77-3    |
| Perfluorododecanesulfonic acid                      | PFDoS        | 79780-39-5  |
| <b>Fluorotelomer sulfonic acids</b>                 |              |             |
| 1H,1H, 2H, 2H-Perfluorohexane sulfonic acid         | 4:2FTS       | 757124-72-4 |
| 1H,1H, 2H, 2H-Perfluorooctane sulfonic acid         | 6:2FTS       | 27619-97-2  |
| 1H,1H, 2H, 2H-Perfluorodecane sulfonic acid         | 8:2FTS       | 39108-34-4  |
| <b>Perfluorooctane sulfonamides</b>                 |              |             |
| Perfluorooctanesulfonamide                          | PFOSA        | 754-91-6    |
| N-methyl perfluorooctanesulfonamide                 | NMeFOSA      | 31506-32-8  |
| N-ethyl perfluorooctanesulfonamide                  | NEtFOSA      | 4151-50-2   |
| <b>Perfluorooctane sulfonamidoacetic acids</b>      |              |             |
| N-methyl perfluorooctanesulfonamidoacetic acid      | NMeFOSAA     | 2355-31-9   |
| N-ethyl perfluorooctanesulfonamidoacetic acid       | NEtFOSAA     | 2991-50-6   |
| <b>Perfluorooctane sulfonamide ethanols</b>         |              |             |
| N-methyl perfluorooctanesulfonamidoethanol          | NMeFOSE      | 24448-09-7  |
| N-ethyl perfluorooctanesulfonamidoethanol           | NEtFOSE      | 1691-99-2   |
| <b>Per- and Polyfluoroether carboxylic acids</b>    |              |             |
| Hexafluoropropylene oxide dimer acid                | HFPO-DA      | 13252-13-6  |
| 4,8-Dioxa-3H-perfluorononanoic acid                 | ADONA        | 919005-14-4 |
| Perfluoro-3-methoxypropanoic acid                   | PFMPA        | 377-73-1    |
| Perfluoro-4-methoxybutanoic acid                    | PFMBA        | 863090-89-5 |
| Nonafluoro-3,6-dioxaheptanoic acid                  | NFDHA        | 151772-58-6 |
| <b>Ether sulfonic acids</b>                         |              |             |
| 9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid  | 9Cl-PF3ONS   | 756426-58-1 |
| 11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid | 11Cl-PF3OUdS | 763051-92-9 |
| Perfluoro(2-ethoxyethane)sulfonic acid              | PFEESA       | 113507-82-7 |
| <b>Fluorotelomer carboxylic acids</b>               |              |             |
| 3-Perfluoropropyl propanoic acid                    | 3:3FTCA      | 356-02-5    |
| 2H,2H,3H,3H-Perfluorooctanoic acid                  | 5:3FTCA      | 914637-49-3 |
| 3-Perfluoroheptyl propanoic acid                    | 7:3FTCA      | 812-70-4    |

## II. SPECIAL CONDITIONS

### A. Nitrogen Optimization Planning<sup>1</sup>

The Permittee must develop, implement, and maintain a Nitrogen Optimization Plan to evaluate and implement operational strategies for maximizing nitrogen removal

<sup>1</sup> Condition from Ecology's Second Amendment to Order #16892 Section CWA 401 Certification dated May 13, 2022.

from the existing treatment plant during the permit term. The Permittee must document their actions taken and apply an adaptive management approach at the WWTP. The Permittee will quantify results with required monitoring outlined in Table 1.

The actions described in this section must begin on the effective date of the permit. The Permittee must submit documentation of the Nitrogen Optimization Plan implementation at least nine months prior to the expiration of the permit. The Nitrogen Optimization Plan must include the following components:

1. Treatment Process Performance Assessment: the Permittee must assess the nitrogen removal potential of the current treatment process and have the ability to evaluate optimization strategies prior to implementation.
  - a) The Permittee must develop a treatment process assessment method for purposes of evaluating optimization approaches during the permit term.
    - (i) Evaluate current (pre-optimization) process performance. Determine the empirical TIN removal rate for the WWTP.
    - (ii) Develop an initial assessment approach to evaluate possible optimization strategies at the WWTP prior to and after implementation.
    - (iii) Determine the optimization goal for the WWTP. Develop and document a prioritized list of optimization strategies capable of achieving the optimization goal for the WWTP. Update this list as necessary to continuously maintain a selection of strategies for achieving each optimization goal identified.
    - (iv) The Permittee may exclude from the initial selection any optimization strategy considered but found to exceed a reasonable implementation cost or timeframe. Documentation must include an explanation of the rationale and financial criteria used for the exclusion determination.
  - b) Within 12 months of the permit effective date, identify the optimization strategy selected for implementation. Document the expected percent TIN removal (or the expected reduction in effluent load) for the optimization strategy prior to implementation.
2. The Permittee must document implementation of the selected optimization strategy as it is applied to the existing treatment process during the reporting period. Permittees must document adaptive management applied to optimization strategies following initial implementation through the permit term.
  - a) Strategy Implementation: Describe how the selected strategy was implemented during the reporting period, including:
    - (i) Initial implementation costs;
    - (ii) Length of time for full implementation, including start date;
    - (iii) Anticipated and unanticipated challenges;

- (iv) Any impacts to the overall treatment performance as a result of process changes.
  - b) Load Evaluation: The Permittee must review effluent data collected during the reporting period to determine whether TIN loads are increasing.
    - (i) Using all accredited monitoring data, determine the facility's annual average TIN concentration and load for each year during the reporting period.
    - (ii) Determine the treatment plant's TIN removal rate at the end of each year. Compare the removal rate with the pre-optimization rate identified in the assessment described in Section II.A.1.b.
  - c) Strategy Assessment: Quantify the results of the implemented strategy and compare to the performance metric identified in Section II.A.1.b. If the TIN loading increased, apply adaptive management, reevaluate the optimization strategies and the resulting performance to identify the reason. Select a new optimization strategy for implementation and/or revise implementation for better performance. Document any updates to the implementation schedule and overall plan.
3. Influent Nitrogen Reduction Measures/Source Control: The Permittee must investigate opportunities to reduce influent TIN loads from septage handling practices, commercial, dense residential and industrial sources, and submit documentation as part of their documentation of the nitrogen optimization plan implementation. The investigation must:
- a) Review non-residential sources of nitrogen and identify any possible pretreatment opportunities.
  - b) Identify strategies for reducing TIN from new multi-family/dense residential developments and commercial buildings.

#### **B. AKART Analysis<sup>2</sup>**

The Permittee must prepare and submit an approvable all known, available and reasonable methods of prevention, control and treatment (AKART) analysis to EPA and Ecology for purposes of evaluating reasonable treatment alternatives capable of reducing TIN.

1. The Permittee must submit this report within 48 months of the effective date. The requirement for this analysis may be waived if the Permittee maintains an annual TIN average of < 10 mg/L and does not document an increase in load through their DMRs.
  - a) If the Permittee believes they have met the requirements for a waiver, they must submit a letter to the EPA with data supporting this claim and receive

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<sup>2</sup> Condition from Ecology's Second Amendment to Order #16892 Section CWA 401 Certification dated May 13, 2022.

written approval before the deadline for the report. This letter should be submitted via email to [EPAR10WD-NPDES@epa.gov](mailto:EPAR10WD-NPDES@epa.gov) with the subject line "CWA NPDES\_WA0023256\_AKART Analysis Waiver." The file name of the electronic attachment must be as follows:

YYYY\_MM\_DD\_WA0023256\_AKART Analysis Waiver, where YYYY\_MM\_DD is the date that the permittee submits the report.

2. The analysis must contain appropriate requirements as described in the following guidance (or the most recent version):
  - a) The Criteria for Sewage Works Design (ECY Publication No. 98-37, 2019)
  - b) Reclaimed Water Facilities Manual: The Purple Book (ECY Publication No. 15-10-024, 2019)
3. The AKART analysis must include the following elements:
  - a) Wastewater Characterization
    - (i) Current volumes, flowrates, and growth trends.
    - (ii) Current influent and effluent quality.
  - b) Treatment Technology Analysis
    - (i) Description of current treatment processes.
    - (ii) Identification and screening of potential treatment technologies for TIN reduction that achieves AKART for nitrogen removal.
  - c) Economic Evaluation
    - (i) Develop capital, operation, and maintenance costs and 20-year net present value using the real discount rate in the most current Appendix C to Office of Management and Budget Circular No. A-9411 for each technology alternative evaluated.
    - (ii) Provide cost per pound of nitrogen removed.
    - (iii) Provide details on basis for current wastewater utility rate structure, including:
      - (a) How the utility allocates and recovers costs from customers;
      - (b) How frequently rate structures are reviewed;
      - (c) The last time rates were adjusted and the reason for that adjustment.
    - (iv) Provide impact to current rate structure for each alternative assessed.
  - d) Environmental Justice (EJ) Review
    - (i) Evaluate the demographics within the sewer service area to identify communities of color, Tribes, indigenous communities, and low-income populations.

- (ii) Identify areas within the service area that exceed the median household income.
  - (iii) Include an affordability assessment to identify how much overburdened communities identified above can afford to pay for the wastewater utility.
  - (iv) Propose alternative rate structures or measures that can be taken to prevent adverse effects of rate increases on populations with economic hardships identified above.
  - (v) Provide information on how recreation and commercial opportunities may be improved for communities identified above as a result of the treatment improvements identified.
- e) Selection of the most reasonable treatment alternative.
  - f) Attainable implementation schedule that includes funding, design, and construction of infrastructure improvement capable of achieving and maintaining AKART.

### **C. Operation and Maintenance Plan**

In addition to the requirements specified in Part IV.E, the permittee must develop or update, and implement an Operations and Maintenance (O&M) Plan for the wastewater treatment facility. Any existing O&M Plan may be modified for compliance with this section. Any changes occurring in the operation of the plant must be reflected within the O&M Plan.

Any permanent process changes resulting from nitrogen optimization implemented based on Part II.A must be reflected in an update to the standard operating procedures in the O&M Plan.<sup>3</sup>

Within 180 days of the effective date of this permit, the permittee must submit written notice to EPA that the O&M Plan has been developed and implemented.

The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0023256\_O&M\_50108, where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to the EPA and the Suquamish Tribe upon request. The permittee must notify EPA of any updates made to their Plan.

### **D. Quality Assurance Plan (QAP)**

The permittee must develop or update its quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAPs may be modified for compliance with this section.

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<sup>3</sup> Condition from Ecology's Second Amendment to Order #16892 Section CWA 401 Certification dated May 13, 2022.

Within 180 days of the effective date of this permit, the permittee must submit written notice to EPA and the Suquamish Tribe that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0023256\_QAP\_55099, where YYYY\_MM\_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to the EPA and the Suquamish Tribe upon request.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *EPA Requirements for Quality Assurance Project Plans (EPA/QA/R-5)* and *Guidance for Quality Assurance Project Plans (EPA/QA/G-5)*. The QAP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAP must include the following:
  - a) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
  - b) Map(s) indicating the location of each sampling point.
  - c) Qualification and training of personnel.
  - d) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be retained on site and made available to EPA and the Suquamish Tribe upon request.

#### **E. Facility Planning Requirement**

1. Design Criteria. The maximum design flows for the permitted facility are:

**Table 3. Facility Planning Values**

| Facility Design Criteria  | Value | Units |
|---|-------|-------|
| Maximum Monthly Flow  | 0.40  | mgd   |
| Maximum monthly flow means the largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average. |       |       |



2. Plan for maintaining adequate capacity.
  - a) Condition to trigger plan development:
    - (i) Each month, the Permittee must record the average daily flow entering the facility for that month.
    - (ii) When the actual flow for any three months during a 12-month period exceed the facility planning values listed in Table 3, the permittee must develop a new or updated plan and schedule for continuing to maintain capacity and maintain compliance with effluent limits.
  - b) Submittal. The plan must be submitted to EPA within 18 months of exceeding the trigger.
  - c) Plan and schedule content. The plan and schedule must identify the actions necessary to maintain adequate capacity and to meet the limits and requirements of the permit. The Permittee must consider the following topics and actions in its plan:
    - (i) Analysis of the present design and proposed process modifications
    - (ii) Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system
    - (iii) Limits on future sewer extensions or connections or additional waste loads
    - (iv) Modification or expansion of facilities
    - (v) Reduction of industrial or commercial flows or waste loads.

#### **F. Outfall 001 Evaluation Report**

Prior to the expiration of this permit, the Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function, to confirm and verify the outfall coordinates and provide an inspection video. The inspection shall evaluate the structural condition of the submarine portion of the outfall, determine whether portions of the outfall are covered by sediments, and determine whether all diffuser ports are flowing freely. The facility must also perform a dye test to determine the structural integrity of the submarine outfall pipe. An Outfall 001 Evaluation Report of this inspection shall be submitted to the EPA, together with next permit application. The permittee must also send copies of the Outfall 001 Evaluation Report to the Suquamish Tribe at the same time as would be required to be submitted to the EPA.

#### **G. Industrial Waste Management**

1. The Permittee must not authorize the introduction of pollutants that would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.
2. The Permittee must not authorize, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge:

- a) Any pollutant which may cause Pass Through or Interference;
  - b) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 40 CFR 261.21;
  - c) Pollutants which will cause corrosive structural damage to the POTW, but in no case indirect discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such indirect discharges;
  - d) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;
  - e) Any pollutant, including oxygen demanding pollutants (e.g., BOD<sub>5</sub>), released in an indirect discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the POTW;
  - f) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
  - g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through at the POTW;
  - h) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - i) Any trucked or hauled pollutants, except at discharge points designated by the POTW
  - j) Any specific pollutant which exceeds a local limitation established by the Permittee in accordance with the requirements of 40 CFR 403.5(c) and (d).
3. The Permittee must develop and maintain a master list of the industrial users introducing pollutants to the POTW. Industrial user means any source of indirect discharge from a non-domestic source. This list must identify:
- a) Names and addresses of all industrial users;
  - b) Which industrial users are significant industrial users (SIUs) (see Paragraph 5 of this Part);
  - c) Which SIUs are subject to categorical Pretreatment Standards (see 40 CFR 405-471);
  - d) Which standards are applicable to each industrial user (if any);
  - e) Which industrial users are subject to local standards that are more stringent than the categorical Pretreatment Standards; and,
  - f) Which industrial users are subject only to local requirements.

4. The Permittee must submit this list, along with a summary description of the sources and information gathering methods used to develop this list, to EPA within two years following the effective date of the NPDES permit. The permittee may submit the list as an electronic attachment to NetDMR. The file name of the electronic attachment must be as follows:  
YYYY\_MM\_DD\_WA0023256\_Industrial User\_12099, where YYYY\_MM\_DD is the date that the permittee submits the written notification.
5. For the purposes of this list development, the term SIU means:
  - a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
  - b) Any other industrial user that:
    - (i) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    - (ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (iii) is designated as such by EPA or the Permittee on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violation any Pretreatment Standard or requirement in accordance with 40 CFR 403.8(f)(6).
6. The Permittee must have or develop a legally enforceable municipal code to authorize or enable the POTW to apply and enforce the requirements of sections 307 (b) and (c) and 402(b)(8) and (9) of the Act and comply with the minimum requirements of 40 CFR 403.8(f)(1). The Permittee must notify EPA in writing that the Code has been developed within one year of the effective date of the permit. Within three years of the effective date of the permit, the Permittee must adopt, implement, and enforce the local pretreatment legal authority.
7. The Permittee must submit the municipal code to the Director, Enforcement and Compliance Assurance Division, via email with the subject line "CWA NPDES\_WA0023256\_Municipal Code." The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0023256\_Municipal Code, where YYYY\_MM\_DD

**H. is the date that the permittee submits the report. Emergency Response and Public Notification Plan**

1. The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the permit. At a minimum the plan must include mechanisms to:

- a) Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control and unanticipated bypass or upset that exceed any effluent limitation in the permit;
  - b) Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceed any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;
  - c) Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
  - d) Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained; and
  - e) Provide emergency operations.
2. The Permittee must submit written notice to EPA that the plan has been developed and implemented within 180 days of the effective date of this permit. Any existing emergency response and public notification plan may be modified for compliance with this section.
  3. The Permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0023256\_ERPNP, where YYYY\_MM\_DD is the date that the permittee submits the written notification.

### **III. MONITORING, RECORDING AND REPORTING REQUIREMENTS**

#### **A. Representative Sampling (Routine and Non-Routine Discharges)**

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

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample.

The permittee must analyze the additional samples for those parameters limited in Part I.B of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with Part III.C, *Monitoring Procedures*, of this permit. The permittee must report all additional monitoring in accordance with Part III.D, *Additional Monitoring by Permittee*, of this permit.

**B. Reporting of Monitoring Results**

The permittee must submit monitoring data and other reports electronically using NetDMR.

1. Monitoring data must be submitted electronically to EPA no later than the 20<sup>th</sup> of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E, *Signatory Requirements*, of this permit.
3. The permittee must submit copies of the DMRs and other reports to the Suquamish Tribe. Submissions to the Suquamish Tribe should be sent via email to Alison O'Sullivan at [aosullivan@suquamish.nsn.us](mailto:aosullivan@suquamish.nsn.us).
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA and the Suquamish Tribe as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0023256\_Report Type Name\_Identifying Code, where YYYY\_MM\_DD is the date that the permittee submits the attachment.
5. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from:  
<https://netdmr.epa.gov/netdmr/public/home.htm>.

**C. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

**D. Additional Monitoring by Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

**E. Records Contents**

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;

5. the analytical techniques or methods used; and
6. the results of such analyses.

#### **F. Retention of Records**

The permittee must 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, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time.

#### **G. Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
  - a) any noncompliance that may endanger health or the environment;
  - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F, *Bypass of Treatment Facilities* of this permit);
  - c) any upset that exceeds any effluent limitation in the permit (See Part IV.G, *Upset Conditions* of this permit); or
  - d) any overflow prior to the treatment works over which the permittee has ownership or has operational control. An overflow is any spill, release or diversion of municipal sewage including:
    - (i) an overflow that results in a discharge to waters of the United States; and
    - (ii) an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral) that does not reach waters of the United States.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under Paragraph 1, above. The written submission must contain:
  - a) a description of the noncompliance and its cause;
  - b) the period of noncompliance, including exact dates and times;
  - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
  - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - e) if the noncompliance involves an overflow, the written submission must contain:

- (i) The location of the overflow;
  - (ii) The receiving water (if there is one);
  - (iii) An estimate of the volume of the overflow;
  - (iv) A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
  - (v) The estimated date and time when the overflow began and stopped or will be stopped;
  - (vi) The cause or suspected cause of the overflow;
  - (vii) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
  - (viii) An estimate of the number of persons who came into contact with wastewater from the overflow; and
  - (ix) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.
3. The Director of the Enforcement and Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
  4. The permittee must sign and certify the report in accordance with the requirements of Part V.E, Signatory Requirements. Reports must be submitted via email to [R10enforcement@epa.gov](mailto:R10enforcement@epa.gov) with the subject line "CWA NPDES\_WA0023256\_Noncompliance Report." The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0023256\_Noncompliance Report, where YYYY\_MM\_DD is the date that the permittee submits the report. A copy must also be sent to the Suquamish Tribe. Submissions to the Suquamish Tribe should be sent via email to Alison O'Sullivan at [aosullivan@suquamish.nsn.us](mailto:aosullivan@suquamish.nsn.us).

## **H. Shellfish Program**

Reporting for Shellfish Program: Unauthorized discharges such as collection system overflows, plant bypasses, or failure of disinfection system, shall be reported immediately by telephone to EPA's NPDES Compliance Hotline at (206) 553-1846, to the Washington State Department of Ecology, Kitsap Public Health District at (360) 728-2235, and to the Washington State Department of Health, Shellfish Program. The Department of Ecology's Northwest Regional Office 24-hour number is (425) 649-7000, and the Department of Health's Shellfish Program office number is (360) 236-3330 during normal working hours and (360) 789-8962 outside normal working hours.

**I. Other Noncompliance Reporting**

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B of this permit, *Reporting of Monitoring Results* are submitted. The reports must contain the information listed in Part III.G.2 of this permit.

**J. Public Notification**

The permittee must immediately notify the public, health agencies and other affected entities (e.g., public water systems) of any overflow which the permittee owns or has operational control; or any unanticipated bypass or upset that exceeds any effluent limitation in the permit in accordance with the notification procedures developed in accordance with Part II.H of this permit.

**K. Notice of New Introduction of Toxic Pollutants**

The permittee must notify the Director of the Water Division in writing of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
  - a) The quality and quantity of effluent to be introduced into the POTW, and
  - b) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
4. The permittee must notify the Director of the Water Division via email at [EPAR10WD-NPDES@epa.gov](mailto:EPAR10WD-NPDES@epa.gov) with the subject line "CWA NPDES WA0023256 New Pollutants." The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0025658\_New Pollutants, where YYYY\_MM\_DD is the date that the permittee submits the notice.

**L. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

**IV. COMPLIANCE RESPONSIBILITIES****A. Duty to Comply**

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



**B. Penalties for Violations of Permit Conditions**

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$66,712 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$26,685 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$66,712). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 USC § 2461 note) as amended by the Debt Collection Improvement Act (31 USC § 3701 note) (currently \$26,685 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$333,552).
3. **Criminal Penalties:**
  - a) **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment 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.
  - b) **Knowing Violations.** 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.

- c) **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment 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 Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d) **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, 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. The Act further 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.

#### **C. Need to Halt or Reduce Activity not a Defense**

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

#### **D. Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

#### **E. Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and

appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **F. Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that 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 2 and 3 of this Part.
2. Notice.
  - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible, at least 10 days before the date of the bypass.
  - b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G, *Twenty-four Hour Notice of Noncompliance Reporting* of this permit.
3. Prohibition of bypass.
  - a) Bypass is prohibited, and the Director of the Enforcement and Compliance Assurance Division may take enforcement action against the permittee for a bypass, unless:
    - (i) The 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 that occurred during normal periods of equipment downtime or preventive maintenance; and
    - (iii) The permittee submitted notices as required under Paragraph 2 of this Part.
  - b) The Director of the Enforcement and Compliance Assurance Division 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 3.a of this Part.

#### **G. Upset Conditions**

1. 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 permittee meets the requirements of Paragraph 2 of this Part. 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.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b) The permitted facility was at the time being properly operated;
  - c) The permittee submitted notice of the upset as required under Part III.G *Twenty-four Hour Notice of Noncompliance Reporting* of this permit, and
  - d) The permittee complied with any remedial measures required under Part IV.D, *Duty to Mitigate* of this permit.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### **H. Toxic Pollutants**

The permittee must comply with effluent standards or prohibitions established under Section 307(a) and with standards for sewage sludge use or disposal established under section 405(d) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

#### **I. Planned Changes**

The permittee must give written notice to the Director of the Water Division as specified in Part III.K.4 of this permit, as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined 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 that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site.

**J. Anticipated Noncompliance**

The permittee must give written advance notice to the Director of the Enforcement and Compliance Assurance Division of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

**K. Reopener**

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit 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.

**V. GENERAL PROVISIONS****A. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**B. Duty to Reapply**

If the permittee intends 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. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

**C. Duty to Provide Information**

The permittee must furnish to EPA and the Suquamish Tribe, within the time specified in the request, any information that EPA and the Suquamish Tribe may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or Suquamish Tribe, upon request, copies of records required to be kept by this permit.

**D. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or the Suquamish Tribe, it must promptly submit the omitted facts or corrected information in writing.

**E. Signatory Requirements**

All applications, reports or information submitted to EPA and the Suquamish Tribe must be signed and certified as follows.

1. All permit applications must be signed as follows:

- a) For a corporation: by a responsible corporate officer.
  - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
  - c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or the Suquamish Tribe, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a) The authorization is made in writing by a person described above;
  - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
  - c) The written authorization is submitted to the Director of the Enforcement and Compliance Assurance Division and the Suquamish Tribe.
3. Changes to authorization. If an authorization under Paragraph 2 of this Part 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 2 of this Part must be submitted to the Director of the Enforcement and Compliance Assurance Division and to the Suquamish Tribe, prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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.”

#### **F. Availability of Reports**

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act,

permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

#### **G. Inspection and Entry**

The permittee must allow the Director of the Enforcement and Compliance Assurance Division, EPA Region 10; and, the Suquamish Tribe, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

#### **H. 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 persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

#### **I. Transfers**

This permit is not transferable to any person except after written notice to the Director of the Water Division as specified in Part III.K.4. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

#### **J. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established

pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

## VI. DEFINITIONS

1. “Act” means the Clean Water Act.
2. “Administrator” means the Administrator of the EPA, or an authorized representative.
3. Approval Authority means the Administrator of the EPA, or an authorized representative.
4. “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.
5. “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.
6. “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
7. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
8. “Composite” - see “24-hour composite”.
9. “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.
10. “Director of the Enforcement and Compliance Assurance Division” means the Director of the Enforcement and Compliance Assurance Division, EPA Region 10, or an authorized representative.
11. “Director of the Water Division” means the Water Division, EPA Region 10, or an authorized representative.
12. “DMR” means discharge monitoring report.
13. “Ecology” means Washington State Department of Ecology.
14. “EPA” means the United States Environmental Protection Agency.



15. “Geometric Mean” means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
16. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
17. “Indirect Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
18. “Industrial User” means a source of “Indirect Discharge.”
19. “Interference” means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
20. “Maximum daily discharge limitation” means the highest allowable “daily discharge.”
21. “Method Detection Limit (MDL)” means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
22. “Minimum Level (ML)” means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
23. “National Pollutant Discharge Elimination System (NPDES)” means, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Act.
24. “Pass Through” means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
25. “QA/QC” means quality assurance/quality control.

26. “Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
27. “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.
28. “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.
29. “24-hour composite” sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24-hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

## APPENDIX A

**Minimum Levels**

The Table below lists the maximum Minimum Level (ML) for pollutants not subject to concentration effluent limits in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If the Permittee is unable to obtain the required ML in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a ML to EPA with appropriate laboratory documentation.

| <b>Pollutant &amp; CAS No. (if available)</b>      | <b>Minimum Level (ML) <math>\mu\text{g/L}</math> unless specified</b> |
|--|---|
| Biochemical oxygen demand                          | 2 mg/L  |
| Chlorine, total residual (7782-50-5)               | 50.0  |
| Dissolved oxygen                                   | +/- 0.2 mg/L  |
| Mercury, total (7439-97-6)                         | 0.0005  |
| Nitrate + nitrite nitrogen (as N)                  | 100   |
| Nitrogen, total Kjeldahl (as N) (7727-37-9)        | 300   |
| Oil and grease (HEM) (hexane extractable material) | 5,000   |
| pH   | N/A   |
| Phosphorus, total (as P)                           | 10  |
| Soluble reactive phosphorus (as P)                 | 10  |
| Temperature  | +/- 0.2° C  |
| Total ammonia (as N) (7664-41-7)                   | 50  |
| Total dissolved solids                             | 20 mg/L   |
| Total suspended solids                             | 5 mg/L  |