



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604

ISSUANCE

Part I

Page I-1


Permit No. WI-0073061-1

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, Ashland Auto and Truck Recyclers is authorized by the United States Environmental Protection Agency, Region 5, to discharge stormwater associated with industrial activity from an auto and truck recycling facility located on the Bad River Band of Lake Superior Chippewa's Indian Reservation, 52280 Beaugard Road, Ashland, Wisconsin, Ashland County to receiving waters named Kakagon River, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

This permit and the authorization to discharge shall expire at midnight, May 24, 2027. The permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by EPA no later than 180 days prior to the above date of expiration.

This permit shall become effective on the date of signature.

 Digitally signed by LINDA
HOLST
Date: 2022.05.26
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for Tera L. Fong
Director, Water Division

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Part I.

A. Facility Description

The Ashland Auto and Truck Recyclers facility takes in vehicles that are dismantled for parts or sold for salvage. Dismantled vehicles are drained of all fluids and batteries which are stored or disposed properly in accordance with the facility's stormwater pollution prevention plan (SWPP). The facility operates under standard industrial code (SIC) 5015 "Motor Vehicle Parts, Used". The following outfalls are covered under this permit:

Outfall 001- Stormwater from Drainage Area D discharge to Kakagon River

Outfall 002- Stormwater from Drainage Area B discharge to the Kakagon River

B. Control Measures, Monitoring and Effluent Limits

B.1. Conventional and non-Conventional Parameters Monitoring

Consistent with federal regulations at 40 C.F.R. 122.26(c)(1)(i)(E)(3) and (5), you must provide the results of at least one analysis for every pollutant listed below for each Outfall. Sampling shall be conducted according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. 136 for the analysis of pollutants or pollutant parameters or required under 40 C.F.R. chapter I, subchapter N or O. See instructions and 40 C.F.R. 122.21(e)(3). Results of this monitoring shall be submitted during the first quarter during which there is a discharge.

For the sampling event during which the data below is collected, also provide the corresponding flow measurement or estimate of flow rate for the storm event sampled and the method of flow measurement or estimate and the total amount of discharge.

Parameter	Sample Type	Timing
Oil and Grease	Grab	During the first quarter in which there is a discharge and again with the permit renewal application.
Biological Oxygen Demand (BOD)		
Chemical Oxygen Demand		
Total Phosphorus		
Total Kjeldahl nitrogen (TKN)		
Total Nitrogen (TN)		
pH		
Flow rate of the discharge		
Method of Flow Measurement or Estimation		
Total Amount of Discharge		

B.2. Final Benchmark Values and Monitoring Requirements for Outfall 001 and 002

From the Effective Date of the permit until the Expiration Date, the permittee is authorized to discharge from Outfall 001 (Stormwater from Drainage Area D) and Outfall 002 (Stormwater from Drainage Area B). Such discharge shall be limited and monitored by the permittee as specified below.

Parameter	Benchmark	Sample ^(a) Frequency	Sample ^(b) Type	Duration	Follow-up Action
Polycyclic Aromatic Hydrocarbons (PAHs) ^(c)	Indicator – Report only	Bi-annually (2 times per year)	Grab	First year and fourth year	None
Total Suspended Solids	100 mg/l	Quarterly	Grab	First year and fourth year	AIM See Part I.D.4
Total Recoverable Aluminium	1.10 mg/l	Quarterly	Grab	First year and fourth year	AIM See Part I.D.4
Total Recoverable Lead	Hardness Dependent ^(d)	Quarterly	Grab	First year and fourth year	AIM See Part I.D.4
Visual Monitoring ^(e)	-	Quarterly	Visual	Entirety of Permit coverage	AIM See Part I.D.4
<p>(a) Quarterly sample frequency means performing the associated monitoring four times per year; once anytime during each of the four annual quarters (Jan.-Feb.-March, April-May-June, July-Aug.-Sept., Oct.-Nov.-Dec.). If there is no discharge during a quarter, the permittee shall state this on the discharge monitoring report form.</p> <p>(b) A grab sample means a single sample taken at one moment of time. It shall be taken within the first 30 minutes of the discharge caused by a storm event with at least 0.1 inch of precipitation. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable. This information shall be submitted on or with the discharge monitoring report. Along with the results of your monitoring, you must provide the date and duration (in hours) of the storm event(s) samples; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.</p> <p>(c) The freshwater benchmark value for lead is dependent on water hardness. The permittee must determine the hardness of the receiving water in accordance with Part I.D.2.2, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to the facility. Hardness Dependent Benchmarks follow in the table below</p> <p>(d) See Part I.D.7 of the Permit</p>					

Lead Benchmark Values According to In-Stream Hardness Concentrations

Freshwater Hardness Range	Lead (µg/L)
0-24.99 mg/L	14
25-49.99 mg/L	24
50-74.99 mg/L	45
75-99.99 mg/L	69
100-124.99 mg/L	95
125-149.99 mg/L	123
150-174.99 mg/L	152
175-199.99 mg/L	182
200-224.99 mg/L	213
225-249.99 mg/L	246
250+ mg/L	262

B.3. Final Non-Numeric Technology-Based Effluent Limits

3.1. Minimize Exposure.

You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, you must also:

- a) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas,
- b) Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge,
- c) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants,
- d) Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents,
- e) Use spill/overflow protection equipment,
- f) Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks, and
- g) Perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray.

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit,

discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

3.2. Good Housekeeping.

You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- a) Sweep or vacuum at regular intervals, or alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water,
- b) Store materials in appropriate containers,
- c) All dumpsters with a lid must remain closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). In no cases can there be dry weather discharges from dumpsters or roll off boxes,
- d) Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping exposed areas free of such materials or by intercepting them before they are discharged.

3.3. Maintenance.

Maintenance Activities. You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:

- a) Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater.
- b) Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).
- c) Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.
- d) Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.

Maintenance Deadlines.

If you find that your control measures are in need of routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges.

If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part I.D.4 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the EPA Regional Office of your intention to exceed 45 days, and document in your stormwater pollution prevention plan (SWPPP) your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly, or is not being properly operated or maintained, you must conduct corrective action as specified in Part I.D.4.

Note: In this context, the term “immediately” requires you to, on the same day you identify that a control measure needs to be maintained, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to take action, the initiation of action must begin no later than the following work day. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new best management practice (BMP) to be installed at a later date.

3.4. Spill Prevention and Response.

You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- a) Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants,
- b) Use drip pans and absorbents if leaky vehicles and/or equipment are stored outdoors,
- c) Use spill/overflow protection equipment,
- d) Plainly label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur,

- e) Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas,
- f) Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible,
- g) Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made, and
- h) Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

3.5. Erosion and Sediment Controls.

You must minimize erosion by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control measures to minimize the discharge of sediment. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP. There are many resources available to help you select appropriate BMPs for erosion and sediment control, including EPA's Stormwater Discharges from Construction Activities website at: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

3.6. Management of Runoff.

You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series*,) <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheets>, and any similar tribal resources.

3.7. Salt Storage Piles or Piles Containing Salt.

You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces, in order to

minimize pollutant discharges. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

3.8. Employee Training.

Types of Personnel Who Require Training. You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- a) personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures),
- b) personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges,
- c) Personnel who are responsible for taking and documenting corrective actions as required in Part I.D.4, and
- d) Personnel who are responsible for conducting and documenting monitoring and inspections as required in Part I.D.

Areas of Required Training. Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- a) an overview of what is in the SWPPP: Spill response procedures, good housekeeping, maintenance requirements, and material management practices,
- b) the location of all controls on the site required by this permit, and how they are to be maintained,
- c) the proper procedures to follow with respect to the permit's pollution prevention requirements,
- d) when and how to conduct inspections, record applicable findings, and take corrective actions. and
- e) The facility's emergency procedures, if applicable.

3.9. Dust Generation and Vehicle Tracking of Industrial Materials.

You must minimize generation of dust and off-site tracking of raw, final, or waste materials in

order to minimize pollutant discharges.

B.4. Water Quality-Based Effluent Limitations

4.1. Water Quality Standards.

Your discharge must be controlled as necessary to meet applicable water quality standards (i.e., your discharge must not cause or contribute to an exceedance of applicable water quality standards).

EPA expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge does not meet applicable water quality standards, you must take and document corrective action as required in Part I.D.4.

EPA may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis, if information in your required reports or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

4.2. Clean Water Act Section 401 Certification Conditions

- 1) Only those activities specifically authorized by the individual permit are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.^{a, b}
- 2) This project shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS), including the antidegradation decision.^{a, c}
- 3) The project must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances. Questions regarding Chapter 323 and requests for permit applications can be directed to the Bad River Natural Resources Department Wetland Specialist at (715) 682-7123 or Wetlands@badriver-nsn.gov.
- 4) The wetlands and other water resources temporarily impacted by this project will be restored (at a minimum) to pre-project conditions. These water resources must support (at a minimum) the same uses and functions that existed prior to project implementation.

EPA NOTE: While this condition proposed by Bad River was included in the permit,

^a Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7- 6-11-441 (hereafter, Tribe's WQS).

^b 36 C.F.R. § 800.16(l)(2).

^c Tribe's WQS: See provisions E.2. through E.5.

this permit does not authorize any impacts to wetlands and does not authorize any construction that would alter the site. Any impacts to wetlands and any construction activity would need to be covered under the appropriate permits.

- 5) The Tribe's Natural Resources Department reserves the right to inspect the project throughout the project life to investigate the project's construction, operation, maintenance, or compliance with the Tribe's WQS.^a

EPA NOTE: Any inspections that occur under this condition will need to occur under the Tribe's authority to access the site as this permit does not convey the authority for the Tribe to access the site.

C. Final Effluent Limitations-Prohibited Discharges

Non-Stormwater Discharges. You must evaluate for the presence of non-stormwater discharges. You must eliminate any non-stormwater discharges not explicitly authorized in Part I.A or covered by another NPDES permit, including vehicle and equipment/tank wash water.

D. Special Conditions

D.1. Representative samples

Representative samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. See also Part II.C.

D.2. Monitoring

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in this Part.

2.1. Monitoring Procedures

2.1.1. Monitored Stormwater Discharge Points.

Applicable monitoring requirements apply to each discharge point authorized by this permit. As required in Part I.D.5, your SWPPP must identify each discharge point authorized by this permit.

2.1.2. Measurable Storm Events.

You must conduct all required monitoring on a storm event that results in an actual discharge ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, you must conduct monitoring at a time when a measurable discharge occurs.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days)

since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

2.1.3. Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part I.D.2. You must collect samples within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, you must collect the sample as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, you must take samples during a period with a measurable discharge.

For indicator monitoring and benchmark monitoring, you may choose to use a composite sampling method instead of taking grab samples. This composite method may be either flow-weighted or time-weighted and performed manually or with the use of automated sampling equipment. For the purposes of this permit, a flow-weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant or variable time interval, where the volume of each aliquot included in the composite sample is proportional to the estimated or measured incremental discharge volume at the time of the aliquot collection compared to the total discharge volume estimated or measured over the monitoring event. For the purposes of this permit, a time-weighted composite sample means a composite sample consisting of a mixture of equal volume aliquots collected at a regular defined time interval over a specific period of time. Composite sampling must be initiated during the first 30 minutes of the same storm event. If it is not possible to initiate composite sampling within the first 30 minutes of a measurable storm event, you must initiate composite sampling as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to initiate composite sampling within the first 30 minutes. You must submit all monitoring results to EPA per Part I.D.3. Composite sampling may not be used in situations where hold times for processing or sample preservation requirements cannot be satisfied. For parameters measured in-situ with a probe or meter such as dissolved oxygen, conductivity, pH, or temperature, the composite sampling method shall be modified by calculating an average all individual measurements, weighted by flow volume if applicable.

2.1.4. Adverse Weather Conditions.

When adverse weather conditions prevent the collection of stormwater discharge samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part I.D.3, you must indicate in Net-DMR any failure to monitor during the regular reporting period.

2.1.5. Facilities in Climates with Irregular Stormwater Discharges.

As your facility is located in an area where freezing conditions exist that prevent discharges from occurring for extended periods, you may distribute your required monitoring events during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your facility. You must still collect the required number of samples. As specified in Part I.D.3,

you must also indicate in Net-DMR that there was no monitoring for the respective monitoring period.

2.1.6. Monitoring Periods.

Your monitoring requirements in this permit begin in the first full quarter following the date this permit was issued.

January 1 – March 31

April 1 – June 30

July 1 – September 30

October 1 – December 31

For example, if you obtain permit coverage on April 10, 2021, then your first monitoring quarter for benchmark monitoring is July 1, 2021 – September 30, 2021. This monitoring schedule may be modified in accordance with Part I.D.2 if you document the revised schedule in your SWPPP. However, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

2.1.7. Monitoring Reports.

You must report monitoring data using Net-DMR, EPA's electronic DMR tool, as described in Part I.D.3 unless you apply for and are granted a waiver from electronic reporting from EPA Region 5, in which case you may submit a paper DMR form.

2.2. Required Monitoring

This permit includes indicator and benchmark monitoring requirements.

Unless otherwise specified, samples must be analyzed consistent with 40 C.F.R. Part 136 analytical methods that are sufficiently sensitive for the monitored parameter.

In the event that the permit is administratively continued, monitoring requirements remain in force and effect at their original frequency during any continuance as long as you applied for your permit to be reissued before the deadline, 180 days before this permit expires. In the event that monitoring results are unable to be electronically reported in Net-DMR, you must maintain monitoring results and records within your SWPPP.

2.2.1. Indicator Monitoring.

This permit requires indicator monitoring of stormwater discharges for polycyclic aromatic hydrocarbons (PAHs). Indicator monitoring data will provide you and EPA with a baseline and comparable understanding of industrial stormwater discharge quality and potential water quality problems. The indicator monitoring parameters are "report-only" and do not have thresholds or baseline values for comparison, therefore no follow-up action is triggered or required under this part. The requirement in Part I.B.3 that your stormwater discharge be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards still applies. You may find it useful to evaluate and compare your indicator monitoring data over time to identify any fluctuating values and why they may be occurring, and to further inform any

revisions to your SWPPP if necessary.^d Indicator monitoring is report-only and is neither benchmark monitoring nor an effluent limitation. Instead, it is a permit condition. Thus, failure to conduct indicator monitoring is a permit violation.

2.2.2. Benchmark Monitoring.

This permit requires benchmark monitoring parameters of stormwater discharges. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your stormwater control measures and to assist you in determining when additional action(s) may be necessary to comply with the effluent limitations in Part I.B.

The benchmark thresholds are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measure (AIM) in Part I.D.4, failure to conduct any required measures is a permit violation. At your discretion, you may take more than four samples during separate stormwater discharge events to determine the average benchmark parameter value for facility discharges.

Applicability of Benchmark Monitoring.

You must monitor stormwater discharges for the benchmark parameters specified in Part I.B. You must submit a hardness value, established consistent with the procedures in Appendix J of EPA's multi-sector general permit, attached, that is representative of your receiving water. Hardness is not a specific benchmark and therefore the permit does not include a benchmark threshold with which to compare.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample, i.e. sufficiently sensitive methods. For averaging purposes, you may use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection limit and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

D.3. Reporting

The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations.

^d Examples of possible reviews and revisions to the SWPPP/SCMs that could be informed by indicator monitoring values include: reviewing sources of pollution or any changes to performed industrial activities and processes; reviewing spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, implementing a new control measure, and/or increasing inspections. EPA notes, however, that these actions are not required under the 2021 MSGP in response to indicator monitoring.

Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:

- a) If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
- b) If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
- c) Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values.

3.1. Recording Results

The permittee shall record all monitoring results required by Part I.B on electronic Discharge Monitoring Report (DMR) forms.

3.2. Electronic DMRs

The permittee shall submit electronic DMRs using the procedures below.

All monitoring data required by this permit shall be submitted on EPA Form 3320-1 Discharge Monitoring Report (DMR) using the electronic DMR (NetDMR), or subsequent internet applications. NetDMR is a web-based application that allows National Pollutant Discharge Elimination System (NPDES) Permittee Users to enter and electronically submit Discharge Monitoring Report (DMR) data through the Central Data Exchange (CDX) to the Integrated Compliance Information System (ICIS). EPA's NetDMR webpage can be found at:
<https://cdxnodengn.epa.gov/net-netdmr/>

If you wish to receive additional NetDMR training please contact:

U.S. Environmental Protection Agency,
Water Enforcement & Compliance Assurance Branch,
Attention: Information Management Specialist - ECW-15J,
77 West Jackson Boulevard,
Chicago, Illinois 60604
(312) 886-0148.

The DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined in Part II.D.13.

For NetDMR, the person(s) viewing, editing, signing and submitting the DMRs will need to register for a new account managed by the EPA Region 5. Facility or permittee staff responsible for signing and submitting DMRs on behalf of an organization; A request for signatory privilege requires submission of a Subscriber Agreement to EPA Region 5. Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using

NetDMR, or on a paper delegation form provided by EPA. For more information and guidance on NetDMR, please view the following web page: <https://netdmr.zendesk.com/home>

DMRs submitted using NetDMR shall be submitted to EPA, Region 5 by the 21st day of the month (April, July, October, January) following the quarter for which the monitoring was completed.

A paper copy of the submitted EPA 3320-1 DMR shall be maintained onsite for records retention purposes Part II.D.14. For NetDMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted.

D.4. Corrective Actions and Additional Implementation Measures (AIM)

4.1. Corrective Action

4.1.1. Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met.

When any of the following conditions occur or are detected during an inspection, monitoring or other means, or EPA informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the U.S.) occurs at your facility,
- Your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit,
- A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained, or
- Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

4.1.2. Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary.

If construction or a change in design, operation, or maintenance at your facility occurs that significantly changes the nature of pollutants discharged via stormwater from your facility, or significantly increases the quantity of pollutants discharged, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your stormwater control measures) to determine if modifications are necessary to meet the effluent limits in this permit.

4.1.3. Deadlines for Corrective Actions

Immediate Actions. You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. In Part I.D.4, the term “immediately” means that the day you find a condition requiring corrective action, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate corrective action, you must perform the corrective action the following work day morning. The term “all reasonable steps” means you must respond to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed.

Subsequent Actions. If additional actions are necessary beyond those implemented pursuant to Part I.D.4, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify EPA Region 5 of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part I.D.4 below). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

4.1.4. Effect of Corrective Action.

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

4.2. Additional Implementation Measures (AIM)

If any of the following events in Parts I.D.4.2.1, I.D.4.2.2, or I.D.4.2.3 occur, you must follow the response procedures described in those parts, called “additional implementation measures” or “AIM.” There are three AIM Levels: AIM Level 1, Level 2, and Level 3. You must respond as required to different AIM levels which prescribe sequential and increasingly robust responses

when a benchmark exceedance occurs. You must follow the corresponding AIM level responses and deadlines described in Parts I.D.4.2.1, I.D.4.2.2, and I.D.4.2.3 unless you qualify for an exception under Part I.D.4.2.6.

4.2.1. Baseline Status.

Once you receive discharge authorization under this permit, you are in a baseline status for all applicable benchmark parameters. If an AIM triggering event occurs and you have proceeded sequentially to AIM Level 1, 2 or 3, you may return directly to baseline status once the corresponding AIM-level response and conditions are met.

4.2.2. AIM Triggering Events.

If an annual average exceeds an applicable benchmark threshold based on the following events, the AIM requirements have been triggered for that benchmark parameter. You must follow the corresponding AIM-level responses and deadlines described in Parts I.D.4.2.3, I.D.4.2.4, and I.D.4.2.5 unless you qualify for an exception under Part I.D.4.2.6. An annual average exceedance for a parameter can occur if:

- The four-quarterly annual average for a parameter exceeds the benchmark threshold, or
- Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. This result indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).

4.2.3. AIM Level 1

Your status changes from baseline to AIM Level 1 if quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2.2 has occurred, unless you qualify for an exception under Part I.D.4.2.6.

AIM Level 1 Responses. If any of the triggering events in Part I.E.4.2.2 occur, you must:

- a. Review SWPPP/Stormwater Control Measures.** Immediately review your SWPPP and the selection, design, installation, and implementation of your stormwater control measures to ensure the effectiveness of your existing measures and determine if modifications are necessary to meet the benchmark threshold for the applicable parameter, and
- b. Implement Additional Measures.** After reviewing your SWPPP/ stormwater control measures, you must implement additional implementation measures, considering good engineering practices, that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your stormwater control measures, you must document per Part I.D.4.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period.

AIM Level 1 Deadlines. If any modifications to or additional control measures are necessary in response to AIM Level 1, you must implement those modifications or control measures within 14 days of receipt of laboratory results, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part I.D.4.3 why it is infeasible and implement such modifications within 45 days.

Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 1 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected stormwater discharge points, beginning no later than the next full quarter after compliance.

AIM Level 1 Status Update. While in AIM Level 1 status, you may either:

- a. **Return to Baseline Status.** Your AIM Level 1 status will return to baseline status if the AIM Level 1 responses have been met and continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part I.D.2 or if you have fulfilled all benchmark monitoring requirements per Part I.D.2, then you may discontinue monitoring for that parameter for the remainder of the permit.
- b. **Advance to AIM Level 2.** Your AIM Level 1 status advances to AIM Level 2 status if you have completed AIM Level 1 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

4.2.4. AIM Level 2

Your status changes from AIM Level 1 to AIM Level 2 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception under Part I.D.4.2.6.

AIM Level 2 Responses. If any of the events in Part I.D.4.2.2 occur, you must review your SWPPP and implement additional pollution prevention/good housekeeping SCMs, considering good engineering practices, beyond what you did in your AIM Level 1 responses that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold.

AIM Level 2 Deadlines. You must implement additional pollution prevention/good housekeeping SCMs within 14 days of receipt of laboratory results that indicate an AIM triggering event has occurred and document per Part I.D.3 how the measures will achieve benchmark thresholds. If it is feasible for you to implement a measure, but not within 14 days, you may take up to 45 days to implement such measure. You must document per Part I.D.4.3 why it was infeasible to implement such measure in 14 days. EPA may also grant you an extension beyond 45 days, based on an appropriate demonstration by you, the operator.

Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 2 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

AIM Level 2 Status Update. While in AIM Level 2 status, you may either:

- a. **Return to Baseline Status.** Your AIM Level 2 status will return to baseline status if the AIM Level 2 responses have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part I.D.10, or if you have fulfilled all benchmark monitoring requirements per Part I.D.10, then you may discontinue monitoring for that parameter for the remainder of the permit.
- b. **Advance to AIM Level 3.** Your AIM Level 2 status advances to AIM Level 3 status if you have completed the AIM Level 2 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

4.2.5. AIM Level 3.

Your status changes from AIM Level 2 to AIM Level 3 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception per Part I.D.4.2.6.

AIM Level 3 Responses. If any of the triggering events in Part I.D.4.2.2 occur, you must install structural source controls (e.g., permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures), except as provided in Part I.D.4.2.6 (AIM Exceptions). The controls or treatment technologies or treatment train you install should be appropriate for the pollutants that triggered AIM Level 3 and should be more rigorous than the pollution prevention/good housekeeping-type stormwater control measures implemented under AIM Tier 2 in Part I.D.4.2.4. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must install such stormwater control measures for the discharge point(s) in question and demonstrate that AIM Level 3 requirements are not triggered at those discharge points.

AIM Level 3 Deadlines. You must identify the schedule for installing the appropriate structural source and/or treatment stormwater control measures within 14 days and install such measures within 60 days. If it is not feasible within 60 days, you may take up to 90 days to install such measures, documenting in your SWPPP per Part I.D.4.3 why it is infeasible to install the measure within 60 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator.

Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 3 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for

the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

AIM Level 3 Status Update. While in AIM Level 3 status, you may either:

- a. **Return to Baseline Status.** Your AIM Level 3 status will return to baseline status if the AIM Level 3 response(s) have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in what would be year 4 of permit coverage per Part I.D.10, or if you have fulfilled all benchmark monitoring requirements per Part I.D.10, then you may discontinue monitoring for that parameter for the remainder of the permit.
- b. **Continue in AIM Level 3.** Your AIM Level 3 status will remain at Level 3 if you have completed the AIM Level 3 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part I.D.4.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)). You must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

4.2.6. AIM Exceptions.

Following the occurrence of an AIM triggering event per Part I.D.4.2.2, at any point or tier level of AIM and following four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data), you may qualify for an exception below from AIM requirements and continued benchmark monitoring. Regardless if you qualify for and claim an exception, you must still review your SCMs, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate in light of your benchmark exceedance(s). If claiming an AIM exception, you must follow the requirements to demonstrate that you qualify for the exception as provided below. If you qualify for an exception, you are not required to comply with the AIM responses or the continuation of quarterly benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is:

Solely Attributable to Natural Background Pollutant Levels: You must demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Region 5 office upon request:

- a. The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background, and
- b. You document and maintain with your SWPPP, as required in Part I.D.5.5, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that

describe the levels of natural background pollutants in your stormwater discharge. Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

Due to Run-On: You must demonstrate and obtain EPA agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Region 5 office for concurrence:

- a. After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.
- b. If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact the EPA Region 5 office.

Due to an abnormal event: You must immediately document per Part I.D.4.3 that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You must report the result of this sample in NeT-DMR in lieu of the result from the sample that caused the AIM triggering event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per parameter, and one time per discharge point, provided you qualify for the exception.

Demonstrated to not result in any exceedance of water quality standards: You must demonstrate to EPA within 30 days of the AIM triggering event that the triggering event does not result in any exceedance of water quality standards. If it is not feasible to complete this demonstration within 30 days, you may take up to 90 days, documenting in your SWPPP why it is infeasible to complete the demonstration within 30 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator. The demonstration to EPA, which will be made publicly available, must include the following minimum elements in order to be considered for approval by the EPA Region 5 Office:

- a. the water quality standards applicable to the receiving water,
- b. the average flow rate of the stormwater discharge,
- c. the average instream flow rates of the receiving water immediately upstream and downstream of the discharge point,
- d. the ambient concentration of the parameter(s) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling,

- e. the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;
- f. any relevant dilution factors applicable to the discharge, and
- g. the hardness of the receiving water.

Timeframe of EPA Review of Your Submitted Demonstration: EPA will review and either approve or disapprove of such demonstration within 90 days of receipt (EPA may take up to 180 days upon notice to you before the 90th day that EPA needs additional time).

- **EPA Approval of Your Submitted Demonstration.** If EPA approves such demonstration within this timeframe, you have met the requirements for this exception, and you do not have to comply with the corresponding AIM requirements and continued benchmark monitoring.
- **EPA Disapproval of Your Submitted Demonstration.** If EPA disapproves such demonstration within this timeframe, you must comply with the corresponding AIM requirements and continued benchmark monitoring, as required. Compliance with the AIM requirements would begin from the date EPA notifies you of the disapproval unless you submit a Notice of Dispute to the EPA Region 5 Office within 30 days of EPA's disapproval.
- **EPA Does Not Provide Response Related to Your Submitted Demonstration.** If EPA does not provide a response on the demonstration within this timeframe, you may submit to EPA Region 5 Office a Notice of Dispute.
- **Operator Submittal of Notice of Dispute.** You may submit all relevant materials, including support for your demonstration and all notices and responses to the Water Division Director for EPA Region 5 to review within 30 days of EPA's disapproval or after 90 days (or 180 days if EPA has provided notice that it needs more time) of not receiving a response from EPA.
- **EPA Review of Notice of Dispute.** EPA will send you a response within 30 days of receipt of the Notice of Dispute. Time for action by you, the operator, upon disapproval shall be tolled during the period from filing of the Notice of Dispute until the decision on the Notice of Dispute is issued by the Water Division Director for EPA Region 5.

4.3. Corrective Action and AIM Documentation.

4.3.1. Documentation within 24 Hours.

You must document the existence of any of the conditions listed in Parts I.D.4.1.1, I.D.4.2.3, I.D.4.2.4, or I.D.4.2.5 within 24 hours of becoming aware of such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. Include the following information in your documentation:

- Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a

description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of United States, through stormwater or otherwise,

- Date the condition/triggering event was identified,
- Description of immediate actions taken pursuant to Part I.D.4.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases, and
- A statement, signed and certified in accordance with Part II.D.13.

4.3.2. Documentation within 14 Days.

You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Part I.D.4.1.1, I.D.4.2.3, I.D.4.2.4, and/or I.D.4.2.5 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts I.D.4.1.1, I.D.4.2.3, I.D.4.2.4, or I.D.4.2.5, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified EPA regarding an allowed extension of the specified timeframe, you must document your rationale for an extension. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part I.D.4. You are not required to submit this documentation to EPA, unless specifically required or requested to do so.

D.5. Stormwater Pollution Prevention Plan (SWPPP)

You must review and update as needed, your SWPPP for your facility within 90 days of the effective date of this permit. You shall submit to EPA a report within 14 days of the completion of the SWPPP indicating:

- a) the date the SWPPP was updated, or
- b) that the update of the SWPPP was not completed, the reason for non-completion, and the anticipated completion date.

A courtesy copy of the SWPP shall be provided to:

Bad River Band of Lake Superior Chippewa Indians
Natural Resources Department,
PO Box 39,
Odanah, WI 54861

The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with wet weather events, including major storm events and extreme flooding

conditions. As distinct from the SWPPP, the additional documentation requirements (see item 4.5 below) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the SWPPP, during an inspection, etc.

5.1. Person(s) Responsible for SWPPP Preparation.

The SWPPP shall be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a “qualified person” and must be certified per the signature requirements in Part I.D.5.2.7 and Part II.D.13. If EPA concludes that the SWPPP is not in compliance with Part I.D.5 of this permit, EPA may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer.

Note: A “qualified person” is a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.

5.2. Required Contents of Your SWPPP.

For coverage under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team,
- Site description,
- Summary of potential pollutant sources,
- Description of control measures,
- Schedules and procedures,
- Documentation to support eligibility considerations under other federal laws, and
- Signature requirements.

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept with your SWPPP.

5.2.1. Stormwater Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility’s stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to

it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

5.2.2. Site Description.

Your SWPPP must include the following:

- **Activities at the Facility.** Provide a description of the nature of the industrial activities at your facility.
- **General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- **Site map.** Provide a map showing:
 - a. Boundaries of the property and the size of the property in acres,
 - b. Location and extent of significant structures and impervious surfaces,
 - c. Directions of stormwater flow (use arrows),
 - d. Locations of all stormwater control measures,
 - e. Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters,
 - f. Locations of all stormwater conveyances including ditches, pipes, and swales,
 - g. Locations of potential pollutant sources,
 - h. Locations where significant spills or leaks have occurred,
 - i. Locations of all stormwater monitoring points,
 - j. Locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), and an approximate outline of the areas draining to each outfall,
 - k. If applicable, MS4s and where your stormwater discharges to them,
 - l. Areas of designated critical habitat for endangered or threatened species, if applicable,
 - m. Locations of the following activities where such activities are exposed to precipitation:

- i. fueling stations,
- ii. vehicle and equipment maintenance and/or cleaning areas,
- iii. loading/unloading areas,
- iv. locations used for the treatment, storage, or disposal of wastes,
- v. liquid storage tanks,
- vi. processing and storage areas,
- vii. immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility,
- viii. transfer areas for substances in bulk,
- ix. machinery, and
- x. locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.2.3. Summary of Potential Pollutant Sources.

You must describe in the SWPPP areas at your facility where industrial materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate. Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

For each area identified, the description must include:

Activities in the Area. A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

Spills and Leaks. You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or

toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

Unauthorized Non-Stormwater Discharges. You must document that you have evaluated for the presence of unauthorized non-stormwater discharges.

Documentation of your evaluation must include:

- a) The date of the evaluation,
- b) A description of the evaluation criteria used,
- c) A list of the outfalls or onsite drainage points that were directly observed during the evaluation, and
- d) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.
- e) An explanation of everything you did to immediately eliminate the unauthorized discharge per Part I.D.4.1 Corrective Actions.

Salt Storage. You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

Sampling Data. Existing dischargers must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New dischargers and new sources must provide a summary of any available stormwater runoff data they may have.

5.2.4. Description of Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.

You must document the location and type of control measures you have specifically chosen and/or designed to comply with:

- Non-numeric technology-based effluent limits,
- Applicable numeric effluent limitations guidelines-based limits,

- Water quality-based effluent limits,
- Any additional measures that formed the basis of eligibility regarding threatened and endangered species;
- Applicable effluent limits in Parts I.C and I.D.10,
- Regarding your control measures, you must also document, as appropriate:
 - How you addressed the selection and design considerations, and
 - How you address the pollutant sources.

5.2.5. Schedules and Procedures.

Pertaining to Control Measures Used to Comply with the Effluent Limits in Part I.B. The following must be documented in your SWPPP:

- a. **Good Housekeeping (See Part I.B.2.2)** – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- b. **Maintenance (See Part I.B.2.3)** – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part I.B,
- c. **Spill Prevention and Response Procedures (See Part I.B.2.4)** – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part I.D.5.4,
- d. **Erosion and Sediment Controls (Part I.B.2.5)** – If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose,
- e. **Employee Training (Part I.B.2.8)** – The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part I.B.2.8, and also the following:

- i. The content of the training,
- ii. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit,
- iii. A log of the dates on which specific employees received training.

Pertaining to Inspections and Assessments. You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- a. Routine facility inspections (see Part I.D.6) and
- b. Quarterly visual assessment of stormwater discharges (see Part I.D.7).

For each type of inspection performed, your SWPPP must identify:

- a. Person(s) or positions of person(s) responsible for inspection,
- b. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges (see Part I.D.7.4), and
- c. Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Part I.D.7.4.

Pertaining to Monitoring.

- a. **Procedures for Each Type of Monitoring.** You must document in your SWPPP procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:
 - i. Indicator monitoring,
 - ii. Benchmark monitoring,
 - iii. State- or tribal-specific monitoring,
 - iv. Impaired waters monitoring, and
 - v. Other monitoring as required by EPA.
- b. **Documentation for Each Type of Monitoring.** For each type of monitoring, your SWPPP must document:

- i. Locations where samples are collected,
 - ii. Parameters for sampling and the frequency of sampling for each parameter,
 - iii. Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater runoff,
 - iv. Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall,
 - v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data.
- c. **Exception for Inactive and Unstaffed Sites.** If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring or impaired waters monitoring, you must include in your SWPPP the information to support this claim as required by Part I.D.7.4.

5.2.6. Documentation to Support Eligibility Considerations Under Other Federal Laws.

Documentation Regarding Endangered and Threatened Species and Critical Habitat Protection. You must keep with your SWPPP the documentation supporting your determination with regard to Endangered and Threatened Species and Critical Habitat Protection.

Documentation Regarding Historic Properties. You must keep with your SWPPP the documentation supporting your determination with regard to Historic Properties Preservation.

5.2.7. Signature Requirements.

You must sign and date your SWPPP in accordance with Part II.D.13

5.3. Required SWPPP Modifications.

You must modify your SWPPP based on the corrective actions and deadlines required under Part I.D.4 and that you documented under Part I.D.4.3. SWPPP modifications must be signed and dated in accordance with Part II.D.13.

5.4. SWPPP Availability.

You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference, as well as your signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to facility employees, EPA, a state or tribe, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection.

Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or

restricted information, but you must clearly identify those portions of the SWPPP that are being withheld from public access.

5.5. Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- a) A copy of the permit application submitted to EPA along with any correspondence exchanged between you and EPA specific to coverage under this permit;
- b) A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- c) Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules,
- d) All inspection reports, including the Routine Facility Inspection Reports (see Part I.D.6.1) and Quarterly Visual Assessment Reports (see Part I.D.7),
- e) Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event),
- f) Corrective action documentation required per Part I.D.4.3,
- g) Documentation of any benchmark exceedances, which AIM Tier triggering event the exceedance caused, and AIM response you employed including:
 - The AIM triggering event,
 - The AIM response taken,
 - Any rationale that SWPPP/SCM changes were unnecessary,
 - A demonstration that the exceedance was due to natural background pollutant levels per Part I.D.4, if applicable,
 - a determination from EPA that benchmark monitoring can be discontinued because the exceedance was due to run-on, or
 - a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice.

- h) Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources, and
- i) Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections, quarterly visual assessments, benchmark monitoring, and/or impaired waters monitoring.

D.6. Inspections

6.1. Routine Facility Inspections.

6.1.1. Inspection Personnel.

Inspections must be performed by qualified personnel with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

6.1.2. Areas that You Must Inspect.

During normal facility operating hours you must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to stormwater,
- Areas identified in the SWPPP and those that are potential pollutant sources,
- Areas where spills and leaks have occurred in the past three years,
- Discharge points, and
- Control measures used to comply with the effluent limits contained in this permit.

6.1.3. What You Must Look for During an Inspection.

During the inspection you must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater,
- Leaks or spills from industrial equipment, drums, tanks and other containers,
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site,
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas,

- Erosion of soils at your facility, channel and streambank erosion and scour in the immediate vicinity of discharge points.
- Non-authorized non-stormwater discharges,
- Control measures needing replacement, maintenance or repair.
- During an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

6.1.4. Inspection Frequency.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

6.1.5. Routine Facility Inspection Documentation.

You must document the findings of your facility inspections and maintain this report with your SWPPP. You must conduct any corrective action required as a result of a routine facility inspection consistent with Part I.D.6.1. Do not submit your routine facility inspection report to EPA, unless specifically requested to do so. Document all findings, including but not limited to, the following information:

- The inspection date and time,
- The name(s) and signature(s) of the inspector(s),
- Weather information,
- All observations relating to the implementation of control measures at the facility, including:
 - a description of any discharges occurring at the time of the inspection,
 - any previously unidentified discharges from and/or pollutants at the site,
 - any evidence of, or the potential for, pollutants entering the drainage system,
 - observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water,
 - any control measures needing maintenance, repairs, or replacement,

- Any additional control measures needed to comply with the permit requirements,
- Any incidents of noncompliance, and
- A statement signed and certified in accordance with Part II.D.13.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part I.D.4 of this permit.

If you performed a discharge visual assessment required in Part I.D.7 during your facility inspection, you may include the results of the assessment with the report required in Part I.D.6.1, as long as all components of both types of inspections are included in the report.

D.7. Quarterly Visual Assessment of Stormwater Discharges

7.1. Visual Assessment Frequency.

Once each quarter for the entire permit term, you must collect a stormwater sample from each discharge point (except as noted in Part I.D.7.4) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge. Guidance on monitoring is available at https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf.

7.2. Visual Assessment Procedures.

You must do the following for the quarterly visual assessment:

- Make the assessment of a stormwater discharge sample in a clean, colorless glass or plastic container, and examined in a well-lit area,
- Make the assessment of the sample you collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge,
- For storm events, make the assessment on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.
- Visually inspect or observe for the following water quality characteristics, which may be evidence of stormwater pollution:
 - a. Color,

- b. Odor,
- c. Clarity (diminished),
- d. Floating solids,
- e. Settled solids,
- f. Suspended solids,
- g. Foam,
- h. Oil sheen, and
- i. Other obvious indicators of stormwater pollution.

Whenever the visual assessment shows evidence of stormwater pollution, you must initiate the corrective action procedures in Part I.D.4.

7.3. Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part I.D.5.5. Any corrective action required as a result of a quarterly visual assessment must be conducted consistent with Part I.D.4 of this permit. You are not required to submit your visual assessment findings to EPA, unless specifically requested to do so. Your documentation of the visual assessment must include, but not be limited to:

- Sample location(s),
- Sample collection date and time, and visual assessment date and time for each sample,
- Personnel collecting the sample and conducting visual assessment, and their signatures,
- Nature of the discharge (i.e., runoff or snowmelt),
- Results of observations of the stormwater discharge,
- Probable sources of any observed stormwater contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes, and
- A statement signed and certified in accordance with Part II.D.13.

7.4. Exceptions to Quarterly Visual Assessments

7.4.1. Adverse Weather Conditions.

When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale

for no visual assessment for the quarter must be included with your SWPPP records as described in Part I.D.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as extended frozen conditions.

7.4.2. Climates with Irregular Stormwater Discharges.

If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent discharges from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation occurs.

7.4.3. Areas that Receive Snow.

In areas that receive snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part I.D.7, taking into account the exception described above for climates with irregular stormwater discharges.

7.4.4. Inactive and Unstaffed Facilities.

The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part II.D.13. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part I.D.7.5.

7.5. Reporting

You must maintain your visual examination reports onsite with the Stormwater Pollution Prevention Plan. The report must include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.

D.8. Floating Solids and Foam

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

D.9. Water Treatment Additives

Water treatment additives vary from innocuous to highly toxic. This permit allows the use of non-biocide compounds which are innocuous for the most part. The following additives have been approved for use at this facility: Fremont 939; Fremont 9962; and Fremont 8536. Non-biocide water treatment additives are defined, for the purposes of this permit, as those additives which are used primarily to control corrosion or prevent deposition of scale forming materials and which do not exhibit any residual toxic effects on receiving waters.

Only additives that have been reviewed and approved in writing by the EPA may be discharged under this permit. Facilities are required to submit information regarding the toxicity of the additive and the proposed treatment regimen so that EPA can determine if it is allowable and won't negatively impact aquatic life or groundwater. For surface water discharges, the toxicological information needed is at least one 48-hour LC₅₀ or EC₅₀ value for daphnia magna or ceriodaphnia dubia, and at least one 96-hour LC₅₀ or EC₅₀ value for fathead minnow, rainbow trout, or bluegill. In many cases, this information is provided in the Material Data Safety Sheet (MSDS) which the chemical manufacturer provides to its customers. Some chemical manufacturers provide LC₅₀ and EC₅₀ values only for the active ingredient or a component of the product. It is not possible for the EPA to ascertain the toxicity of the whole product on the basis of LC₅₀ and EC₅₀ values for product constituents. This is because of the potential for synergistic effects of the other constituents of the product to affect the whole product toxicity. If the facility is unable to provide the whole product toxicity, and if the EPA does not have the toxicity information, the facility will not be able to use the additive.

Changing the types or quantity of additives discharged must also be approved by EPA in writing. Changes in additive use will change the wastewater discharge characteristics and could impact aquatic life or groundwater.

D.10. Benchmark Concentrations

10.1. Benchmark Monitoring

Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measures (AIM), failure to conduct any required measures would be a permit violation.

At your discretion, you may take more than four samples during separate discharge events to determine the average benchmark parameter value for facility discharges.

10.1.1. Applicability of Benchmark Monitoring.

You must monitor for benchmark parameters specified in Part I.B.1. Your facility is subject to a benchmark threshold that is hardness-dependent so you must submit to EPA with your first

quarterly report a hardness value that is representative of your receiving water. Hardness values must be established consistent with the procedures in the 2021 MSGP for Stormwater Discharges Associated with Industrial Activity, Appendix J

(https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_j_-_calculating_hardness.pdf.) Hardness is not a specific benchmark and therefore the permit does not include a benchmark threshold with which to compare.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample.

10.1.2. Benchmark Monitoring Schedule

Benchmark monitoring of stormwater discharges is required quarterly in the first and fourth year of permit coverage, as follows:

- a. **Year one of permit coverage:** You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your first year of permit coverage, beginning in your first *full* quarter of permit coverage.
 - i. If the annual average^e for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years (i.e., eight quarters).
 - ii. If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part I.D.4 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter until monitoring resumes in year four of permit coverage.
- b. **Year four of permit coverage:** You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your fourth year of permit coverage (i.e., your thirteenth through sixteenth quarters), unless the first quarter of your fourth year of permit coverage occurs on or after the date this permit expires.
 - i. If the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the remainder of your permit coverage.
 - ii. If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part I.D.4 (Additional Implementation Measures responses and

^e For this permit, an annual average exceedance for a parameter can occur if: (a) The four-quarter annual average for a parameter exceeds the benchmark threshold; or (b) Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. The result in (b) indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold). For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter for the remainder of permit coverage.

10.1.3. Exception for Facilities in Climates with Irregular Stormwater Discharges.

Facilities in climates with irregular stormwater discharges may modify this quarterly schedule provided you report this revised schedule directly to EPA by the due date of the first benchmark sample and you keep this revised schedule with the facility's SWPPP. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your benchmark monitoring average. You must indicate in Net-DMR any 3-month interval that you did not take a sample.

10.1.4. Exception for Inactive and Unstaffed Facilities.

The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Part II.D.13.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part I.D.2 as if you were in your first year of permit coverage.
- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change. You may discontinue benchmark monitoring once you have notified EPA, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

10.2. Data not exceeding benchmarks

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample. After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

10.3. Data exceeding benchmarks:

After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part I.D.4, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part I.B of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify EPA of this determination in your next discharge monitoring report.

In accordance with Part I.D.4, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

Part II.

STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

A.1. Duty to Comply

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

Operators must comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement. See also paragraph A.5 below.

A.2. Penalties for Violations of Permit Conditions

EPA will periodically adjust for inflation the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359–69366, as corrected in 62 FR 54, March 20, 1997, pp.13514–13517) as mandated by the Debt Collection Improvement Act of 1996. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

a. Criminal Penalties

(1) Negligent Violations. The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person will be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.

(2) Knowing Violations. The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person will 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.

(3) Knowing Endangerment. The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury will upon conviction be subject to a fine of not more than \$250,000 or by 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 will 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, will, 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.

(4) False Statement. 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 will, 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 noncompliance will, 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. (See Section 309(c)(4) of the Clean Water Act).

b. Civil Penalties. The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$37,500 per day for each violation).

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

(1) Class I Penalty. Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).

(2) Class II Penalty. Not to exceed the maximum amounts authorized by CWA section 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

A.3. Duty to Mitigate

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

A.4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, terminated or revoked and reissued for cause (as described in 40 CFR 122.62 et. seq) including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any conditions that requires either temporary interruptions or elimination of the permitted discharge, or

- d. Information newly acquired by the Agency indicating the discharge poses a threat to human health or welfare.

If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance under 40 CFR 122.62, the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. 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.

A.5. Toxic Pollutants

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

A.6. Civil and Criminal Liability

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

A.7. Oil and Hazardous Substance Liability

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

A.8. State/Tribal 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/Tribal law or regulation under authority preserved by Section 510 of the Act.

A.9. Property Rights

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

A.10. Onshore or Offshore Construction

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

A.11. Severability

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

A.12. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority 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 Permit Issuing Authority, upon request, copies of records required to be kept by this permit.

B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B.1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance 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 a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B.2. Need to Halt or Reduce Not a Defense

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

B.3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraph c. and d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten 10 days before the date of the bypass. As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Permit Issuing Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), §122.22, and 40 CFR part 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 this permit.

- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-8 (24-hour notice). As of December 21, 2020 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Permit Issuing Authority or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), §122.22, and 40 CFR part 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 this permit.

d. Prohibition of bypass.

- (1) Bypass is prohibited and the Permit Issuing Authority may take enforcement action against a permittee for bypass, unless:
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
 - (c) The permittee submitted notice as required under Paragraph c. of this section.
- (2) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph d. (1) of this section.

B.4. Upsets

"Upsets" 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. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit limitation if the requirements of 40 CFR 122.41(n)(3) are met.

B.5. Removed Substances

This permit does not authorize discharge of solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater to waters of the United States unless specifically limited in Part I.

C. MONITORING AND RECORDS

C.1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority.

C.2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than + 10 percent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs, or pump hours meters as specified in Part I of this permit, and based on the manufacturer's pump curves, shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide of Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, and Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
- b. "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)
- c. "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
- d. "NPDES Compliance Flow Measurement Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MOD-77, September 1981, 135 pp. (Available from the General Services Building 41, Denver Federal Center, Denver, CO 80225.)

C.3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

C.4. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. Records

pertaining to sludge requirements shall be retained for 5 years. These periods may be extended by the Permit Issuing Authority at any time.

C.5. Records Contents

Records of monitoring information shall include:

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

C.6. Inspection and Entry

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

- a. Enter upon the permittee's premises 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 the 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 Clean Water Act, any substances or parameters at any location.

D. REPORTING REQUIREMENTS

D.1. Change in Discharge

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

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source, or
- b. 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 Section D, Paragraph D-10(a).

- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

D.2. Anticipated Noncompliance

The permittee shall give advance notice to the Permit Issuing Authority by calling (312) 886-6106, of any planned change in the permitted facility or activity which may result in noncompliance with permit requirements.

D.3. Transfer of Ownership or Control

A permit may be automatically transferred to another party if:

- a. The permittee notifies the Permit Issuing Authority of the proposed transfer at least 30 days in advance of the proposed transfer date,
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them, and
- c. The Permit Issuing Authority does not notify the existing permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b.

D.4. Monitoring Reports

See Part I.D.3 of this permit.

D.5. Additional Monitoring by the Permittee

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

D.6. Averaging of Measurements

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

D.7. 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. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D.8. Twenty-Four Hour Reporting

Twenty-Four Hour Reporting

The permittee shall orally report any noncompliance which may endanger health or the environment, within 24 hours from the time the permittee becomes aware of the circumstances by calling (312) 886-6106. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances to the following address:

U.S. Environmental Protection Agency
Water Enforcement & Compliance Assurance Branch
Attention: Branch Chief - ECW-15J
77 West Jackson Boulevard
Chicago, Illinois 60604

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 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), 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 part 3 (including, in all cases, subpart D to part 3), §122.22, and 40 CFR part 127. 40 CFR part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. The Permit Issuing Authority may verbally waive the written report, on a case-by-case basis, when the oral report is made.

The following violations shall be included in the 24-hour report when they might endanger health or the environment.

- a. An unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Permit Issuing Authority in the permit to be reported within 24 hours. (See §122.44(g))

D.9. Other Noncompliance

The permittee shall report, in narrative form, all instances of noncompliance not previously reported under Section D, Paragraphs D-2, D-4, D-7, and D-8 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-8. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in paragraph (1)(6) and the applicable required data in appendix A to 40 CFR part 127. As of December 21, 2025 or an EPA-approved alternative date (see 40 CFR 127.24(e) or (f)), 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 part 3 (including, in all cases, subpart D to part 3), §122.22, and 40 CFR part 127. 40 CFR part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

D.10. Changes in Discharges of Toxic Substances

The permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not listed in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 ug/L),
 - (2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile, five hundred micrograms per liter (500 ug/L) for 2, 4-dinitrophenol and for 2 methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony, or
 - (3) Five (5) times the maximum concentration value reported for that pollutant(s) in the permit application.
- 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 (listed at 40 CFR 122, Appendix D, Table II and III) 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 ug/L),
 - (2) One milligram per liter (1 mg/L) for antimony, or
 - (3) Ten (10) times the maximum concentration value reported for that pollutant(s) in the permit application.

D.11. Changes in Discharges of Toxic Substances by Indirect Users

All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Permit Issuing Authority of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the Act if it were directly discharging those pollutants, and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

- c. For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

D.12. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Permit Issuing Authority may grant permission to submit an application less than 180 days in advance but not later than the permit expiration date.

Where EPA is the Permit Issuing Authority, the terms and conditions of this permit are automatically continued in accordance with 40 CFR 122.6, only where the permittee has submitted a timely and sufficient application for a renewal permit and the Permit Issuing Authority is unable through no fault of the permittee to issue a new permit before the expiration date.

D.13. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

- a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means (1) 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
- (2) 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.
- (3) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively, or
- (4) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official.

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

- (1) The authorization is made in writing by a person described above,
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager,

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

(3) The written authorization is submitted to the Permit Issuing Authority.

c. Certification. Any person signing a document under paragraphs (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."

D.14. Availability of Reports

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

E. DEFINITIONS

Act

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.

Calendar Day

A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

Chief of the Permits Branch

The Chief of the Permits Branch of EPA Region 5 is located at the EPA, Region 5 Office, Permits Branch, WP-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone: 312-886-2446.

Concentration Measurements

- a. The "30-day average concentration", other than for E. coli bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during a calendar day. The 30-day average count for E. coli bacteria is the geometric mean of the counts for samples collected during a consecutive 30 day period. This limitation is identified as "30-day

Average" or "Daily Average" in Part I of the permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the DMR.

- b. The "7-day average concentration", other than for E. coli bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such period (arithmetic mean of the daily concentration value). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The 7-day average count for E. coli bacteria is the geometric mean of the counts for samples collected during a consecutive 7 day period. This limitation is identified as "7-day Average" in Part I of the permit and the highest 7-day average concentration value is reported under the "Maximum" column under "Quality" on the DMR.
- c. The "maximum daily concentration" is the concentration of a pollutant discharge during a calendar day. It is identified as "Daily Maximum" in Part I of the permit and the highest such value recorded during the reporting period is reported under the "Maximum" column under "Quality" on the DMR.
- d. The "average annual concentration", other than for E. coli bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar year on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such year (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. The average yearly count for E. coli bacteria is the geometric mean of the counts for samples collected during a calendar year. This limitation is identified as "Annual Average" in Part I of the permit and the average annual concentration value is reported under the "Average" column under "Quality" on the DMR. The DMR for this report shall be submitted in January for the previous reporting year.

Confidential Business Information (CBI)

See 40 CFR Part 2 for relevant definitions of CBI: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf>.

Control Measures

Refers to any stormwater control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States. Corrective Action – for the purposes of the permit, any action taken, or required to be taken, to repair, modify, or replace any stormwater control used at the site, (2) clean up and dispose of spills, releases, or other deposits found on the site, and (3) remedy a permit violation.

Critical Habitat

As defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Detection Level

Detection Level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

Director

A Regional Administrator of the Environmental Protection Agency or an authorized representative. See 40 CFR 122.2.

Discharge

When used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

Discharge of a Pollutant

Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man, discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharge Point

For the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a water of the U.S.

Discharge-Related Activity

Activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of stormwater controls to control, reduce, or prevent pollution in the discharges.

EC₅₀

EC₅₀ means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

Effective Operating Condition

For the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

Eligible

For the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

Endangered Species

Defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

Existing Discharger

An operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Facility or Activity

Any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

Feasible

For the purposes of this permit, feasible means technologically possible and economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

Hazardous Substance

A hazardous substance means any substances designed under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

Hazardous Waste –

For the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

Hazardous Substance – defined in CERCLA section 101(14) to include: a) any substance designated pursuant to the CWA section 311(b)(2)(A), b) any element, compound, mixture, solution or substance designated pursuant to section 102 of CERCLA; c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act (RCRA); d) any toxic pollutant listed under CWA section 307(a); e) any hazardous air pollutant listed under section 112 of the Clean Air Act; and f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. See 40 CFR 302.4 for the list of such hazardous substances.

Historic Property

As defined in the National Historic Preservation Act regulations means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

IC₂₅

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”)

For the purposes of this permit, waters identified by a state, tribe, or EPA as not meeting an applicable water quality standard, and require development of a total maximum daily load (TMDL) (pursuant to Section 303(d) of the CWA), or are addressed by an EPA-approved or established TMDL, or are covered by pollution controls requirements that meet the requirements of 40 FR 130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

Indian Country or Indian Country Lands

Defined at 40 CFR 122.2 as: 1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; 2. All dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and 3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

Industrial Activity

The 10 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)- and (xi).

Industrial Stormwater

Stormwater runoff from industrial activity.

Infeasible

For the purposes of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

LC50

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

Mass/Day Measurements

- a. The "30-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 30 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period. It is, therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the consecutive 30 day period and then dividing this sum by the number of days the tests were reported. The limitation is identified as "Daily Average" or "30-day Average" in Part I of the permit and the average monthly discharge value is reported in the "Average" Column under "Quantity" on the Discharge Monitoring Report (DMR).
- b. The "7-day average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a consecutive 7 day period on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such period. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the consecutive 7 day period and then dividing this sum by the number of days the tests were reported. This limitation is identified as "7-day Average" in Part I of the permit and the highest average weekly discharge value is reported in the "Maximum" column under "Quantity" on the DMR.
- c. The "maximum daily average" is the total mass (weight) of a pollutant discharge during a calendar day. If only one sample is taken during any calendar day, the weight of pollutant calculated from it is the "maximum daily discharge". This limitation is identified as "Daily Maximum", in Part I of the permit and one highest such value recorded during the reporting period is reported in the "Maximum" column under "Quantity" on the DMR.
- d. The "average annual discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar year on which daily discharges are sampled and measured, divided by

the number of daily discharges sampled and/or measured during such year. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the year and then dividing the sum by number of days the test was reported. This limitation is defined as "Annual Average" in Part I of the permit and the average annual discharge value is reported in the "Average" column under "Quantity" on the DMR. The DMR for this report shall be submitted in January for the previous reporting calendar year.

Mean Calculations

- a. Arithmetic Mean: The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.
- b. Geometric Mean: The geometric mean of any set of values is the N^{th} root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).
- c. Weighted by Flow Value: Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

Measurable Storm Event

A precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if you document that less than a 72-hour interval is representative for local storm events.

Minimize

For the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

Monthly Frequency of Analysis

Monthly frequency of analysis refers to a calendar month. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

National Pollutant Discharge Elimination System (NPDES)

Defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

New Discharger

A facility from which there is or may be a discharge, that did not commence the discharge of pollutants at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source

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

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

NOAEL

NOAEL means the highest tested dose or concentration of a substance that result in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Operator

Any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria: 1. The entity has operational control over industrial activities, including the ability to make modifications to those activities; or 2. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Other Measurements

- a. The effluent flow expressed as M³/day (MGD) is the 24-hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in Part I of the permit the flow rate values are reported in the "Average" column under "Quantity" on the DMR.
- b. An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
- c. Where monitoring requirements for pH, dissolved oxygen or E. coli bacteria are specified in Part I of the permit, the values are generally reported in the "Quality of Concentration" column on the DMR.

Outfall –

See “Discharge Point.”

Permitting Authority –

For the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

Person

An individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

Point Source

Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. See 40 CFR 122.2.

Pollutant –

Defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

POTW

POTW is a publicly owned treatment works.

Quantification Level

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Runoff Coefficient –

The fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11). Run-On – sources of stormwater that drain from land located upslope or upstream from the regulated facility in question.

Sample Types

- a. Composite Sample: A "composite sample" is a combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over the full time period specified in Part I.A. The composite sample must be flow proportioned by either time interval between each aliquot or by volume as it relates to effluent flow at the time of sampling of total flow since collection of the previous aliquot. Aliquots may be collected manually or automatically.
- b. Grab Sample: A "grab sample" is a single influent or effluent portion of at least 100 ml which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the total discharge.

Significant Materials

Significant Materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Spill

For the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

Stormwater

Stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Stormwater Controls –

See "Control Measures."

Stormwater Discharges Associated with Construction Activity

As used in this permit, a discharge of pollutants in stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, or excavating) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Discharges Associated with Industrial Activity

The discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, state, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Stormwater Pollution Prevention Team

The stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining stormwater control measures and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP. The individuals on the "Stormwater Team" must be identified in the SWPPP.

Storm Event

A precipitation event that results in a measurable amount of precipitation.

Threatened Species

Defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Toxic Pollutant

A toxic pollutant is any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

Uncontaminated Discharge

A discharge that does not cause or contribute to an exceedance of applicable water quality standards.

Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond your reasonable control. 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. See 40 CFR 122.41(n)(1).

Water Quality Impaired
See "Impaired Water."

Water Quality Standards
Defined in 40 CFR § 131.3, and are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

Waters of the United States
See definition at 40 CFR §122.2.

Weekly Frequency of Analysis
Weekly frequency of analysis refers to a calendar week which begins on Sunday and ends on Saturday. When required by this permit, an analytical result, reading, value or observation must be reported for that period if a discharge occurs during that period.

Preventing Pollution is the Best Solution

The Environmental Protection Agency encourages you to consider pollution prevention alternatives. In some cases pollution prevention may allow you to avoid the need to discharge pollutants which would otherwise require permit limitations -- or even avoid the need for permits altogether! Pollution prevention can:

- ☒ Save Money
- ☒ Reduce Waste
- ☒ Aid Permit Compliance
- ☒ Protect Our Environment
- ☒ Improve Corporate Image
- ☒ Reduce Liability

EPA is helping industries save money, reduce waste and protect our environment through pollution prevention. EPA staff can provide pollution prevention assistance through telephone consultations, technical workshops and seminars, and informational publications. They can also put you directly in touch with local support networks and national pollution prevention resources.