

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

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

**NPDES PERMIT NO. CA0000018**

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. §§ 1251 et seq.), the following discharger is authorized to discharge from two outfalls from the Facility at the six Test Sites (A-F), identified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from Facility processes, waste streams, and operations that have been clearly identified in the permit application process.<sup>1</sup>

Permittee Name	Mark Golay
Permittee Address	1300 El Camino Real, Suite 100 Menlo Park, CA 94025
Facility Name	Vessel Testing a Pilot OceanWell
Facility Location	Six test sites in federal waters off the California coast.
Facility Rating	Minor

Test Site	Outfall Number	General Type of Effluent Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
A	001A	Freshwater	N 35° 28' 12"	W 121° 21' 0"	Pacific Ocean
	002A	Brine	N 35° 28' 12"	W 121° 21' 0"	Pacific Ocean
B	001B	Freshwater	N 34° 19' 12"	W 119° 59' 24"	Pacific Ocean
	002B	Brine	N 34° 19' 12"	W 119° 59' 24"	Pacific Ocean
C	001C	Freshwater	N 34° 0' 36"	W 119° 5' 24"	Pacific Ocean
	002C	Brine	N 34° 0' 36"	W 119° 5' 24"	Pacific Ocean
D	001D	Freshwater	N 33° 55' 48"	W 118° 48' 36"	Pacific Ocean
	002D	Brine	N 33° 55' 48"	W 118° 48' 36"	Pacific Ocean
E	001E	Freshwater	N 33° 24' 0"	W 117° 44' 24"	Pacific Ocean
	002E	Brine	N 33° 24' 0"	W 117° 44' 24"	Pacific Ocean
F	001F	Freshwater	N 33° 5' 24"	W 117° 30' 0"	Pacific Ocean
	002F	Brine	N 33° 5' 24"	W 117° 30' 0"	Pacific Ocean

This permit was issued on:	Date of signature below
This permit shall become effective on:	September 1, 2025

Permit reapplication due no later than:	March 4, 2030
This permit shall expire at midnight on:	August 31, 2030

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

This permit is hereby issued:

/s/ August 12, 2025  
Tomás Torres, Director  
Water Division

<sup>1</sup>Any discharges not expressly authorized in the Permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of the Permit via any means, including during an inspection.

Any wastestream or pollutant loading greater than or different than what the Permittee has proposed to discharge is not authorized by this Permit. The Permittee's proposed discharge is based on the chemical-specific data and the facility's design flow as described in the permit application, as well as other information provided to EPA during the permitting process.

To obtain authorization for a new or changed discharge, the Permittee must first submit a request to EPA and EPA will analyze whether additional controls or limitations are necessary. Permit modification or reissuance may be required before the proposed discharge would be authorized.

## TABLE OF CONTENTS

<b>Part I.</b>	<b>EFFLUENT LIMITS, OTHER LIMITATIONS, AND MONITORING REQUIREMENTS.....</b>	<b>4</b>
A.	Effluent Limits and Monitoring Requirements – Outfall 001 and 002 at Test Sites A-F .....	4
B.	Other Limitations and Monitoring Requirements .....	5
C.	Sampling .....	5
D.	General Monitoring and Reporting .....	6
<b>Part II.</b>	<b>SPECIAL CONDITIONS .....</b>	<b>8</b>
A.	Permit Reopener(s).....	8
B.	Twenty-four Hour Reporting of Noncompliance .....	9
C.	Best Management Practices and Pollution Prevention .....	10
D.	Endangered Species Act Compliance.....	10
E.	401 Water Quality Certification .....	11
F.	Coastal Consistency Certification.....	11
<b>Part III.</b>	<b>STANDARD CONDITIONS .....</b>	<b>12</b>
A.	All NPDES Permits.....	12
B.	Specific Categories of NPDES Permits .....	26
<b>Attachment A:</b>	<b>Definitions .....</b>	<b>27</b>
<b>Attachment B:</b>	<b>Location Map .....</b>	<b>30</b>
<b>Attachment C:</b>	<b>Flow Schematic .....</b>	<b>31</b>
<b>Attachment D:</b>	<b>401 Water Quality Certification, [DATE] .....</b>	<b>32</b>

## Part I. EFFLUENT LIMITS, OTHER LIMITATIONS, AND MONITORING REQUIREMENTS

### A. Effluent Limits and Monitoring Requirements – Outfall 001 and 002 at Test Sites A-F

**Table 1. 001 Freshwater Effluent Limits and Monitoring Requirements**

Effluent Characteristics	Discharge Limitations 7-day Average	Daily Maximum Limitation	Monitoring Frequency <sup>1</sup>	Sample Type
Effluent Flow	Report GPD <sup>2</sup>	Report GPD	Daily	Totalizing Meter
Influent Flow <sup>3,4</sup>	Report GPD	Report GPD	Daily	Totalizing Meter
Temperature	Report Degrees Celsius	Report Degrees Celsius	Daily	Temperature Meter
Salinity	Report ppt <sup>6</sup>	Report ppt	Daily	Salinity Meter
Free Oil	N/A	Discharge of Free Oil is Prohibited <sup>5</sup>	Daily	Observation

**Table 2. 002 Brine Effluent Limits and Monitoring Requirements**

Effluent Characteristics	Discharge Limitations 7-day Average	Daily Maximum Limitations	Monitoring Frequency <sup>1</sup>	Sample Type
Effluent Flow	Report GPD	257,000 Gallons	Daily	Totalizing Meter
Temperature	Report Degrees Celsius	Report Degrees Celsius	Daily	Temperature Meter
Salinity	Report ppt <sup>6</sup>	70 ppt <sup>6</sup>	Daily	Salinity Meter

Footnotes for Table 1 and Table 2:

(1) When discharging.

(2) GPD – gallons per day

(3) Influent flow for Reverse Osmosis unit.

(4) Influent intake structures must utilize best practices to minimize entrainment or impingement of fish.

(5) As determined by the presence of a film or sheen on or a discoloration of the freshwater effluent plume. The observer must be positioned on the Facility to detect a sheen should it occur in the vicinity of the discharge when freshwater is discharged to the surface. For discharges that have been occurring for at least fifteen minutes previously, observations may be made any time thereafter. For discharges of less than fifteen minutes, observations must be made during both discharge and at five minutes after the discharge has ceased.

(6) ppt - parts per thousand, as measured by EPA Method 120.1 or EPA Method 160.1 (U.S. EPA, 1982; U.S. EPA, 1971).

**B. Other Limitations and Monitoring Requirements**

1. The permittee is authorized to discharge brine and freshwater in compliance with the effluent limits and monitoring requirements specified in Table 1 and 2. The permittee shall monitor both the effluent and influent to evaluate compliance.
2. The discharge of pollutants from any location other than Outfall 001 and Outfall 002 at Test Sites A-F, as specifically authorized by this permit, is prohibited.
3. The discharge shall be free from oil, grease, film, and other pollutant that float, including debris, foam, or scum.
4. The discharge shall not have an iridescent appearance.
5. The discharge of chemical additives and byproducts from the Facility is prohibited.
6. The discharge shall have an unchanged temperature relative to the influent.
7. No trash, debris, or other materials shall be released from the vessel into the vicinity of the test locations. The discharge of trash is prohibited.
8. Influent intake structures must utilize best practices to minimize entrainment or impingement of fish.
9. The discharge shall not be mixed with residual from filter cleaning process.
10. The total duration of the pilot study is limited to three months, yet study can occur at any time in the five-year permit term.

**C. Sampling**

1. Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period.
2. All samples shall be taken during normal operating hours.
3. The permittee shall identify the effluent sampling location used for each discharge including the Test Site and depth.
4. Samples shall be taken at the following locations:
  - a. Influent samples shall be taken prior to entry into the modular desalination unit containing reverse osmosis membranes and pumps; and
  - b. Effluent samples shall be taken of the brine and freshwater discharges after desalination in the modular unit.

5. The permittee is not required to monitor in excess of the minimum frequency required in Table 1. If there is no discharge, the permittee is not required to monitor either influent or effluent.

***D. General Monitoring and Reporting***

1. All monitoring shall be conducted in accordance with 40 CFR § 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR § 136 test methods with method detection limits (“MDLs”) and minimum levels (“MLs”) that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML.
2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
  - a. The test method number or title and published MDL or ML,
  - b. The preparation procedure used by the laboratory or permittee,
  - c. The laboratory’s or permittee’s MDL for the test method computed in accordance with Appendix B of 40 CFR § 136,
  - d. The standard deviation (S) from the laboratory’s or permittee’s MDL study,
  - e. The number of replicate analyses (n) used to compute the laboratory’s or permittee’s MDL, and
  - f. The laboratory’s or permittee’s lowest calibration standard.

As part of each Discharge Monitoring Report (“DMR”) submittal, the permittee shall notify EPA of any changes to the laboratory’s or permittee’s test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory’s or permittee’s test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

3. The permittee shall develop a Quality Assurance (“QA”) Manual for the field collection and laboratory analysis of samples if applicable. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed (or updated) within 90 days of the permit effective date or prior to initiating sampling, whichever comes first. At a minimum, the QA Manual shall include the following:

- a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
  - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR § 136.3); and chain of custody procedures;
  - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and
  - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.
  5. Samples collected during each month of the reporting period must be reported on DMRs, as follows:

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

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

6. In addition to information requirements specified under 40 CFR § 122.41(j)(3), records of monitoring information shall include: the laboratory or permittee which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR § 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
7. The permittee shall use CDX (<https://cdx.epa.gov/>) to access the appropriate National Pollution Discharge Elimination System ("NPDES") Electronic Tool and electronically submit NetDMR/Discharge Monitoring Reports.
8. Monitoring and reporting shall be completed according to the schedule in Table 3. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the Facility during the reporting period or no numerical values to report for a parameter, the permittee shall submit the appropriate no data indicator ("NODI") code in their DMR. Monitoring for parameters required once per permit term shall occur during discharge unless there is no discharge throughout the permit term. Entering a DMR comment is recommended if submitting NODI code other than "C" for no discharge.

**Table 3. Monitoring and Reporting Schedule**

Sampling Frequency	Monitoring Period Start Date	Monitoring Period	DMR Due Date
Daily	Permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling	Quarterly on the 28 <sup>th</sup> day of first calendar month following the previous calendar quarter (January 28 <sup>th</sup> , April 28 <sup>th</sup> , July 28 <sup>th</sup> , October 28 <sup>th</sup> )

## **Part II. SPECIAL CONDITIONS**

### **A. Permit Reopener(s)**

1. In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.



2. In accordance with 40 CFR §§ 122 and 124, this permit may be modified to include effluent limits or permit conditions to address toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.
3. This permit may be modified, or revoked and reissued, based on the results of Magnuson-Stevens Fishery Conservation and Management Act and/or Endangered Species Act Section 7 consultation(s) with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.

***B. Twenty-four Hour Reporting of Noncompliance***

1. The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA staff person within 24 hours from the time the permittee becomes aware of the noncompliance. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance to the Wastewater Enforcement Section Manager at 415-947-4179.

The permittee shall follow up with a written submission within five business days of the time the permittee becomes aware of the noncompliance. The written submission shall be emailed to R9NPDES@epa.gov and/or the EPA staff person initially notified. The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
  - b. Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR § 122.44(g)).
  - c. Any upset which exceeds any effluent limit in the permit.
  - d. Violation of a maximum daily discharge limit for any of the pollutants listed in Table 1 and 2 of the permit to be reported within 24 hours (see 40 CFR § 122.44(g)).

3. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

**C. *Best Management Practices and Pollution Prevention***

In accordance with section 304(e) of the CWA and 40 CFR § 122.44(k), the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices (“BMPs”) designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the Facility that may contribute significant amounts of such pollutants to surface waters. At a minimum the permittee shall implement the following BMPs:

1. Good housekeeping: the permittee must keep all exposed areas of the Facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges.
2. Minimizing exposure: where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff.
3. Preventive inspections and maintenance: the permittee shall conduct timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining, and repairing Facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.
4. Controlling trash and debris: No trash or other debris may be disposed of or otherwise allowed to enter the Pacific Ocean. The permittee shall ensure that trash receptacles with secure lids are available and used onboard the vessel. If trash or debris does enter the ocean from the vessel, then the permittee shall remove it using means that do not cause additional damage to aquatic organisms.
5. Preventing water contamination from fueling or vessel engine fluids: the permittee shall conduct fueling only at the port of embarkation (i.e., Port of Long Beach) and shall carry a fuel spill kit with a boom at all times. The fuel spill kit shall be used to prevent water contamination if a spill occurs.

**D. *Endangered Species Act Compliance***

The permittee shall implement avoidance measures for sensitive marine species including threatened and endangered species during transit to test site locations. Such avoidance measures shall include:

1. Posting a crew member on the bow of the vessel to spot whales;

2. Redirecting the vessel to avoid approaching any whales that are spotted and go avoid areas known to have high whale abundance;
3. Reducing speed in all advisory zones and areas of high whale abundance;
4. Whenever possible, navigating through water routes deeper than 2 meters (6 feet) or marked channels; and
5. Operating the vessel at 'no wake/idle' speeds in areas where the water depth provides less than a 2 meter (6 foot) clearance beneath the vessel's draft.

**E. 401 Water Quality Certification**

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

**F. Coastal Consistency Certification**

The permittee whose activities may affect coastal resources must comply with the Coastal Management Act ("CZMA") as outlined in a Coastal Consistency Certification issued by the State. . The activity must comply with the following applicable sections of the California Coastal Act:

- a. Marine Resources, Maintenance: *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
- b. Biological Productivity, Water Quality: *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
- c. Oil and Hazardous Substance Spills: *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

- d. Commercial Fishing and Recreational Boating Facilities: *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists, or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*
- e. Economic, Commercial, and Recreational Importance of Fishing: *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

The permittee has received the Coastal Consistency Certification, confirming compliance with the CZMA. This certification ensures that the project aligns with the state's Coastal Management Plan as required by section 307(c)(1) through (3) of the CZMA. According to the California Coastal Commission's concurrence letter, the Commission has agreed with the consistency certification, recognizing that the project, due to its small scale and short duration, will not affect coastal resources (California Coastal Commission, 2025). Consequently, the permittee has fulfilled its federal Coastal Zone Management Act responsibilities.

**G. Desalination Operation Notification**

The Discharger shall notify EPA at least 30 days prior to commencing desalination operations. The notification shall include the following:

- a. Date that operations at each Test Site A-F will commence; and
- b. Description of the project, including test site locations in use.

**Part III. STANDARD CONDITIONS**

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

**A. All NPDES Permits**

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

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

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

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. b. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.<sup>1</sup>

---

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

- c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.<sup>1</sup>

2. Duty to reapply; at 40 CFR § 122.41(b).

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. Any permittee with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director of EPA's Water Division (hereinafter referred to as 'Director').

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

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

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

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

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

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and

reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

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

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

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

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

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

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

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

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR § 503), the permittee shall retain records of all monitoring information, including

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

- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individuals(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 136 unless otherwise specified in 40 CFR § 503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

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

- a. All applications, reports, or information submitted to the Director shall be signed and certified (See 40 CFR § 122.22.). All permit applications shall be signed as follows:
  - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating



facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in 40 CFR § 122.22(a), or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in 40 CFR § 122.22(a);
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

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

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

d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

e. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

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

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

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42(a)(1).

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

- (1) Monitoring results must be reported on a DMR or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016 all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.
  - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
  - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related

to wet weather. As of December 21, 2025, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR part 127. The permittee shall electronically submit all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events using CDX (<https://cdx.epa.gov/>) in accordance with the reporting requirements specified in this permit. The permittee must also sign and certify all electronic submissions in accordance with the signatory requirements specified at 40 CFR § 122.41(k).

(2) The following shall be included as information which must be reported within 24 hours under this paragraph:

- (i) Any unanticipated bypass which exceeds any effluent limitation in the permit (See 40 CFR § 122.41(g));
- (ii) Any upset which exceeds any effluent limitation in the permit;
- (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)

(3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(l)(6)(ii) if the oral report has been received within 24 hours.

- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR § 122.41(l)(4), (5), and (6), at the time monitoring reports are submitted. The reports shall contain the information listed in 40 CFR § 122.4(l)(6).
  - h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
13. Bypass; at 40 CFR § 122.41(m).
- a. Definitions.
    - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 40 CFR § 122.41(m)(3) and (m)(4).
- c. Notice.
  - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
  - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in 40 CFR § 122.41(l)(6) (24-hour notice).
  - (3) As of December 21, 2025, all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), 40 CFR § 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 a particular permit or if required to do so by state law.
- d. Prohibition of bypass.
  - (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to

prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The permittee submitted notices as required under paragraph 40 CFR § 122.41(m)(3).

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in 40 CFR § 122.41(m)(4)(i).

14. Upset; at 40 CFR § 122.41(n).

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of 40 CFR § 122.41(n)(3) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required in 40 CFR § 122.41(l)(6)(ii)(B) (24-hour notice).
  - (4) The permittee complied with any remedial measures required under paragraph (d) of this section.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Reopener Clause; at 40 CFR § 122.44(c).

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

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

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

- a. Correct typographical errors;
- b. Require more frequent monitoring or reporting by the permittee;
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
- e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger’s obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR § 122.29.
- f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR § 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR § 403.18) as enforceable conditions of the POTW’s permits.



17. Termination of permits; at 40 CFR § 122.64.

a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:

- (1) Noncompliance by the permittee with any conditions of the permit;
- (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
- (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
- (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA § 308

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

19. Removed Substances; pursuant to CWA § 301

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

20. Severability; pursuant to CWA § 512

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

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

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

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

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

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

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

**B. *Specific Categories of NPDES Permits***

This section is not applicable to this facility.

## Attachment A: Definitions

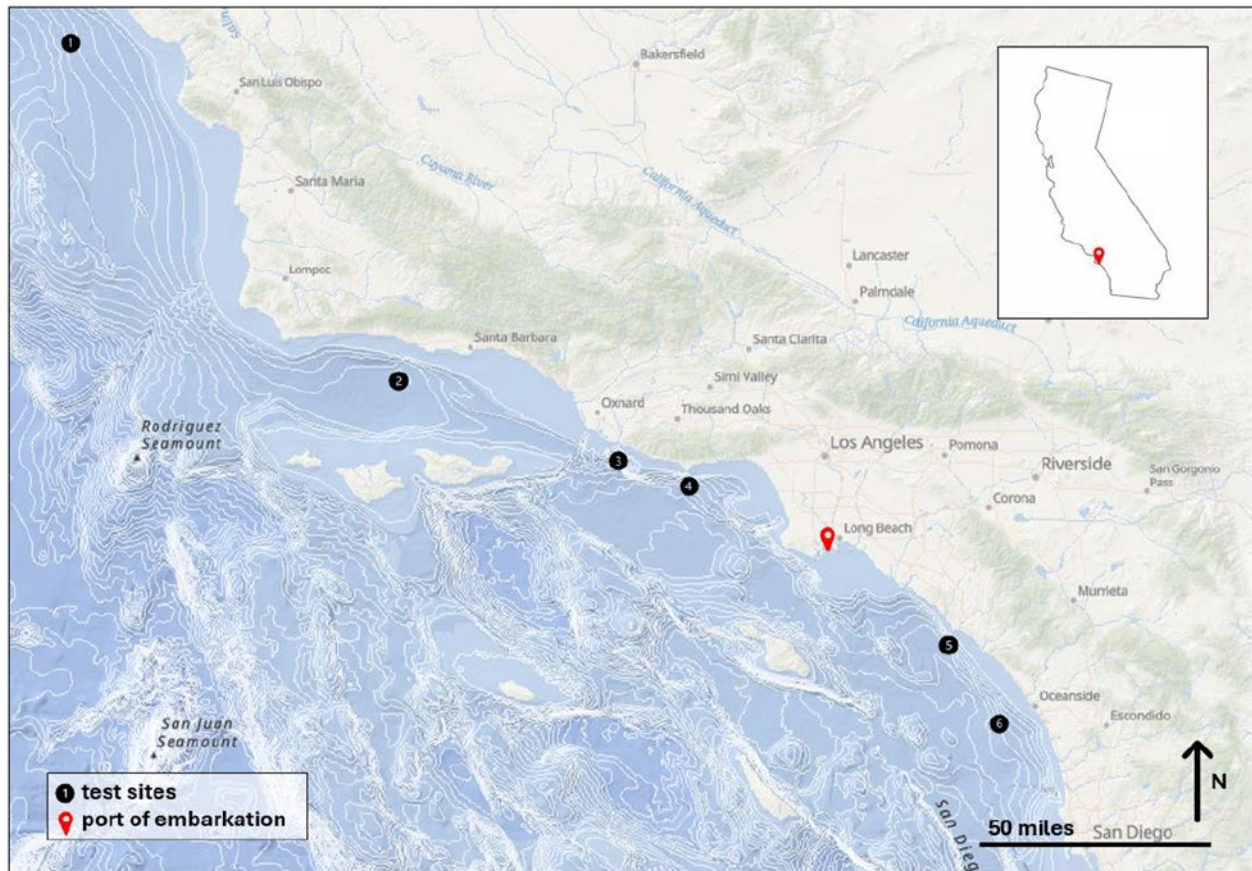
1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
2. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
3. "Best Management Practices" or "BMPs" are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A "composite" sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A "daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For

pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.

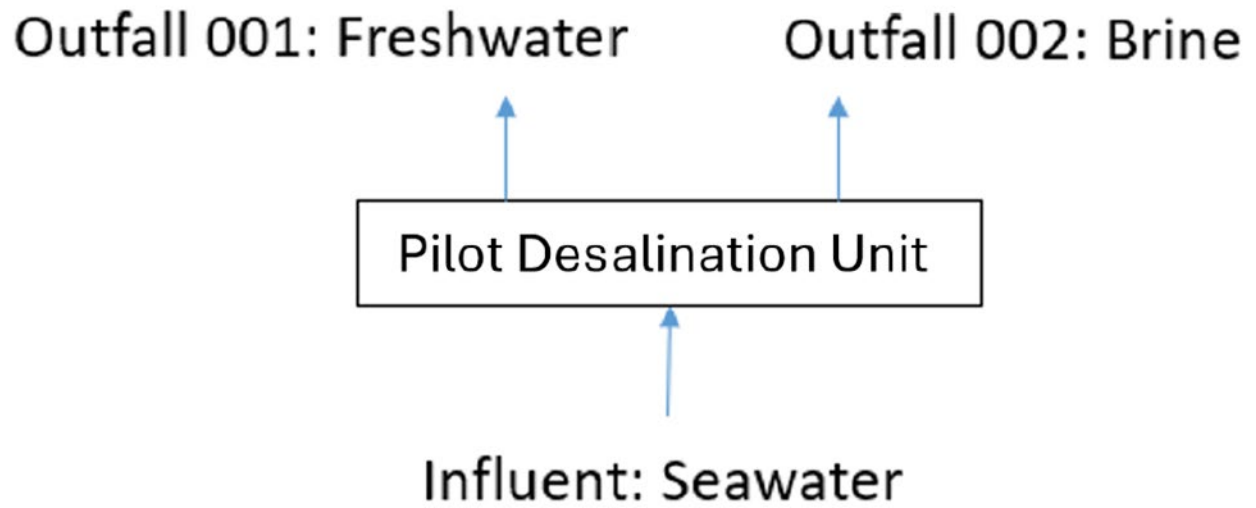
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR § 136. The procedure for determination of a laboratory MDL is in 40 CFR § 136, Appendix B.
10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR § 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
  - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
  - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the

nearest multiple of  $(1, 2, \text{ or } 5) \times 10^n$ , where  $n$  is zero or an integer. (For example, if an MDL is  $2.5 \mu\text{g/l}$ , then the calculated ML is:  $2.5 \mu\text{g/l} \times 3.18 = 7.95 \mu\text{g/l}$ . The multiple of  $(1, 2, \text{ or } 5) \times 10^n$  nearest to 7.95 is  $1 \times 10^1 = 10 \mu\text{g/l}$ , so the calculated ML, rounded to the nearest whole number, is  $10 \mu\text{g/l}$ .)

11. A "NODI(B)" means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory's MDL.
12. A "NODI(Q)" means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory's MDL, but less than the ML.
13. Trash means all improperly discarded solid materials from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, or other synthetic or natural material.

**Attachment B: Location Map**

**Attachment C: Flow Schematic**



**Attachment D: 401 Water Quality Certification**



**U.S. Environmental Protection Agency Region 9**  
**Clean Water Act Section 401 Water Quality Certification for**  
**Vessel Testing a Pilot OceanWell, under U.S. EPA NPDES Permit No. CA0000018**

This grant of certification without conditions applies to the water quality-related impacts from the activity subject to the National Pollutant Discharge Elimination System (NPDES) permit referenced above, including the activity's construction and operation, for Vessel Testing a Pilot OceanWell<sup>1</sup>. The permit authorizes the discharge of effluent from desalination technology to the Pacific Ocean at up to six test locations located in federal waters between five and fifteen miles off the California coast. The U.S. Environmental Protection Agency (EPA) Region 9 is issuing a NPDES Permit under Section 402 of the Clean Water Act (CWA) for the facility. The facility is authorized to discharge in accordance with the effluent limits, monitoring requirements, and other conditions set forth in NPDES Permit No. CA0000018.

Section 401(a)(1) of the CWA requires applicants for Federal licenses or permits to conduct any activity which may result in any discharge into waters of the United States to obtain a certification or waiver from the certifying authority where the discharge originates or will originate. Where no state or Tribe has authority to give such certification, EPA is the certifying authority (33 U.S.C. 1341(a)(1)). In this case, State of California does not have the authority to provide CWA section 401 certification for projects in federal waters off the coast of California, therefore, the EPA is making the certification decision for Vessel Testing a Pilot OceanWell.

The EPA has determined that the activity will comply with the applicable water quality requirements, including any limitation, standard, or other requirement under sections 301, 302, 303, 306, and 307 of the CWA, any federal and state or Tribal laws or regulations implementing those sections, and any other water quality-related requirement of state or Tribal law.

If you have any questions, please contact me at (415) 972-3337 or [torres.tomas@epa.gov](mailto:torres.tomas@epa.gov) or you may contact the Wetlands Section Manager, Sahrye Cohen at (415) 972-3523 or [cohen.sahrye@epa.gov](mailto:cohen.sahrye@epa.gov).

**The EPA's Public Notice Process**

On April 25, 2025, the EPA issued a public notice regarding the proposed project and provided the opportunity for the public to submit comments until May 27, 2025. Despite the opportunity for public engagement, no comments were received during the comment period, and no public hearing was held.

---

<sup>1</sup> This is name of facility as provided on the permit application.

**Granted Without Condition**

EPA hereby certifies that discharge(s), as authorized by the NPDES permit No. CA0000018 for the Vessel Testing a Pilot OceanWell will comply with the water quality requirements, as defined at 40 CFR 121.1(n).

<u>/s/</u>	<u>August 12, 2025</u>
Tomás Torres, Director	Date
Water Division, Region 9	