

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

Authorization to Discharge under the
 National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the Act,

Salish Seafoods
 92 E. Chapman Road
 Shelton, Washington

is authorized to discharge from Salish Seafoods located near Shelton, Washington, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Peale Passage	47.21735° N	122.90707° W
002	Peale Passage	47.21749° N	122.90721° W
003	Peale Passage	47.21781° N	122.90719° W

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

This permit shall become effective **July 1, 2022**.

This permit and the authorization to discharge shall expire at midnight, **June 30, 2027**.

The permittee shall reapply for a permit reissuance on or before **January 1, 2027**, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

/s/ 3/11/2022

Mathew J. Martinson P. E.
 CAPT, USPHS
 Branch Chief, Permits, Drinking Water, and
 Infrastructure

This permit modification is effective **DATE**

/Draft/

Susan Poulosom
 Branch Manager
 Permitting, Drinking Water, and Infrastructure
 Water Division

Proposed modifications to the permit are shown in red text

Schedule of Submissions

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

Item	Due Date
1. Discharge Monitoring Reports (DMR) – Permit Part III.B.	DMRs are due monthly and must be submitted on or before the 20 th of the month.
2. Quality Assurance Plan (QAP) – Permit Part II.A.	The permittee must provide EPA and Squaxin Island Tribe Department of Natural Resources (DNR) with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and DNR upon request.
3. Best Management Practices (BMP) Plan & Stormwater Pollution Prevention Plan (SWPPP) – Permit Part II.B.	The permittee must provide EPA and DNR with written notification that the Plan has been developed and implemented within 180 after the effective date of the final permit. The Plan must be kept on site and made available to EPA and DNR upon request.
4. NPDES Application Renewal – Permit Part V.B	The application must be submitted at least 180 days before the expiration date of the permit.
5. Surface Water Monitoring Report – Permit Part I.C.	The Report must be submitted with the next permit application.
6. Twenty-Four Hour Notice of Noncompliance Reporting – Permit Parts I.B. and III.G.	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances.

Table of Contents

Schedule of Submissions	2
I. Limitations and Monitoring Requirements.....	4
A. Discharge Authorization	4
B. Effluent Limitations and Monitoring	4
C. Surface Water Monitoring	7
II. Special Conditions.....	9
A. Quality Assurance Plan (QAP)	9
B. Best Management Practices Plan	9
C. Schedule of Compliance for Chlorine	13
III. General Monitoring, Recording and Reporting Requirements	16
A. Representative Sampling (Routine and Non-Routine Discharges)	16
B. Reporting of Monitoring Results	16
C. Monitoring Procedures	17
D. Additional Monitoring by Permittee	17
E. Records Contents	17
F. Retention of Records	18
G. Twenty-four Hour Notice of Noncompliance Reporting	18
H. Other Noncompliance Reporting	18
I. Changes in Discharge of Toxic Pollutants	19
J. Compliance Schedules	19
IV. Compliance Responsibilities	20
A. Duty to Comply	20
B. Penalties for Violations of Permit Conditions	20
C. Need To Halt or Reduce Activity not a Defense	21
D. Duty to Mitigate	22
E. Proper Operation and Maintenance	22
F. Bypass of Treatment Facilities	22
G. Upset Conditions	23
H. Toxic Pollutants	23
I. Planned Changes	23
J. Anticipated Noncompliance	24
V. General Provisions	24
A. Permit Actions	24
B. Duty to Reapply	24
C. Duty to Provide Information	24
D. Other Information	24
E. Signatory Requirements	24
F. Availability of Reports	25
G. Inspection and Entry	26
H. Property Rights	26
I. Transfers	26
J. State Laws	26
VI. Definitions	27
Appendix A: Minimum Levels	29

I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Peale Passage, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

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

Table 1 – Outfall 001 Effluent Limitations and Monitoring Requirements, Processing Facility

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency
Effluent Flow	Gallons/day	Report	Report	Recorder	Daily
Total Suspended Solids ¹	lbs/day ²	49.7	160.5	Grab	Monthly
	mg/L	Report	Report	Grab	Monthly
Oil & Grease ¹	lbs/day ²	0.7	1.7	Grab	Monthly
pH ¹	su	Within the range of 7.0 to 8.5		Grab	Monthly
Biochemical Oxygen Demand, five day, (BOD ₅)	mg/L	Report	Report	Grab	Monthly
Dissolved Oxygen (DO)	mg/L	Report	Report	Grab	Monthly
Fecal Coliform	colonies/100 mL	Report ³	Report	Grab	Monthly
Enterococci	colonies/100 mL	Report ³	Report	Grab	Monthly
Total Residual Chlorine (TRC) ⁴	ug/L	8.4	12.3	Grab	Monthly ⁵
Sampling for Reapplication ⁶					
Chemical Oxygen Demand (COD)	mg/L	---	Report	Grab	Annually
Total Organic Carbon (TOC)	mg/L	---	Report	Grab	Annually
Ammonia as N	mg/L	---	Report	Grab	Annually
Temperature, summer ⁷	°C	---	Report	Grab	Annually
Temperature, winter ⁸	°C	---	Report	Grab	Annually

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency
- Reporting is required within 24 hours of a maximum daily limit violation. See Permit Part III.G. - lbs/day must be calculated by multiplying the analysis results in mg/L by 0.00000833 then by the effluent flow for the day the sample was taken. The average monthly will be the average of all samples calculated in this manner and the maximum daily will be the largest of these individual values. - The average monthly value for bacteria must be calculated as a geometric mean of the samples taken during the month. - The effluent limit for chlorine goes into effect 10 years from the effective date of the permit (see compliance schedule in Section II.C). Monitoring for chlorine is required upon the effective date of the permit. - Sampling for TRC must occur during a discharge from a cleaning event. - The results of annual sampling shall be reported on the December DMR due by January 20th of each year. - Summer is designated as the months May through November. - Winter is designated as the months December through April.					

Table 2 – Outfall 002 Effluent Limitations and Monitoring Requirements, Trommel

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency ¹
Effluent Flow	Gallons/day	Report	Report	Recorder	Daily
Total Suspended Solids	mg/L	Report	Report	Grab	Monthly
pH ¹	su	Within the range of 7.0 to 8.5		Grab	Monthly
Fecal Coliform	colonies/100 mL	Report ²	Report	Grab	Monthly
Enterococci	colonies/100 mL	Report ²	Report	Grab	Monthly
Turbidity ³	NTU	Report	Report	Grab	Monthly
Sampling for Reapplication ⁴					
BOD ₅	mg/L	---	Report	Grab	Annually
COD	mg/L	---	Report	Grab	Annually
TOC	mg/L	---	Report	Grab	Annually
Ammonia as N	mg/L	---	Report	Grab	Annually
Temperature, summer ⁵	°C	---	Report	Grab	Annually
Temperature, winter ⁶	°C	---	Report	Grab	Annually
- Sampling is only required when operating and discharging. - Reporting is required within 24 hours of a maximum daily limit violation. See Permit Part III.G. - The average monthly value for bacteria must be calculated as a geometric mean of the samples taken during the month. - The Permittee must also report the results for turbidity from the surface water sampling on the DMR. - The results of annual sampling shall be reported on the December DMR due by January 20th of each year. - Summer is designated as the months May through November. - Winter is designated as the months December through April.					

Table 3 – Outfall 003 Effluent Limitations and Monitoring Requirements, Larvae Tanks

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency ¹
Effluent Flow	Gallons/day	Report	Report	Recorder	Daily

Parameter	Units	Average Monthly	Maximum Daily	Sample Type	Sample Frequency ¹
Total Suspended Solids	mg/L	Report	Report	Grab	Monthly
DO	mg/L	Report	Report	Grab	Monthly
pH ²	su	Within the range of 7.0 to 8.5		Grab	Monthly
Fecal Coliform	colonies/100 mL	---	Report	2/month	Monthly
Enterococci	colonies/100 mL	---	Report	2/month	Monthly
Temperature	°C	Report	Report	Grab	Daily
Turbidity ³	NTU	Report	Report	Grab	Monthly
Sampling for Reapplication ⁴					
BOD ₅	mg/L	---	Report	Grab	Annually
COD	mg/L	---	Report	Grab	Annually
TOC	mg/L	---	Report	Grab	Annually
Ammonia as N	mg/L	---	Report	Grab	Annually
1. Sampling is only required when operating and discharging. 2. Reporting is required within 24 hours of a maximum daily limit violation. See Permit Part III.G. 3. The Permittee must also report the results for turbidity from the surface water sampling on the DMR. The same natural condition station can be used as for Outfall 002. 4. The results of annual sampling shall be reported on the December DMR due by January 20th of each year.					

2. The permittee must report within 24 hours any violation of the maximum daily limits for the following pollutants: Oil and grease, TSS and pH. Violations of all other effluent limits are to be reported at the time that discharge monitoring reports are submitted (See Permit Parts III.B. and III.G.).
3. Narrative limitations for floating, suspended or submerged matter:
 - a. The permittee must not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses.
 - b. The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer's name, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA or DNR upon request.
4. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.
5. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:

- a. Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Table 1: Effluent Limitations and Monitoring Requirements.
 - b. Parameters that do not have effluent limitations.
 - i. The permittee must use a method that detects and quantifies the level of the pollutant, or
 - ii. The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A;
 - c. For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.
 - d. See also Permit Part III.C. *Monitoring Procedures*.
6. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."
 7. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.
 8. The Permittee must use biodegradable, phosphate-free, and minimally toxic soaps in the processing facility if wastewater will be discharged from outfall 001.

C. Surface Water Monitoring

The permittee must conduct surface water monitoring. Surface water monitoring must start during the first full season after the effective date of the permit. The program must meet the following requirements:

- a. A monitoring station must be established in Peale Passage outside the influence of the facility's discharge, and
 - b. The permittee must seek written approval of the surface water monitoring stations from DNR.
9. A failure to obtain DNR approval of surface water monitoring stations does not relieve the permittee of the surface water monitoring requirements of this permit.
 10. To the extent practicable, surface water sample collection must occur on the same day as effluent sample collection.

11. All ambient samples must be grab samples.
12. Samples must be analyzed for the parameters listed in Table 4, and must achieve method detection limits (MDLs) that are equivalent to or less than those listed in the Table. The permittee may request different MDLs. The request must be in writing and must be approved by EPA.

Table 4 – Receiving Water Monitoring Requirements

Parameter	Units	Sample Frequency	MDL
Temperature, summer ¹	°C	Annually	+/- 0.2
Temperature, winter ²	°C	Annually	+/- 0.2
DO	mg/L	2/year ³	+/- 0.2
Fecal Coliform	#/100 mL	2/year ³	2
Enterococci	#/100 mL	2/year ³	1
Turbidity	NTU ⁴	2/year ³	0
1. Summer is designated as the months May through November. 2. Winter is designated as the months December through April. 3. 2/year will coincide with the seasonal temperature sampling. 4. NTU is Nephelometric Turbidity Units.			

13. Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Plan required under Permit Part II.A., Quality Assurance Plan.
14. Submission of SW Monitoring
 - a. The permittee must submit all surface water monitoring results for the previous calendar year for all parameters on the December DMR (due January 20th of the following year).
 - b. A Report must be submitted with the reapplication for the next permit. The Report must be in the form of a spreadsheet file and include one analytical result per row and the following information: name and contact information of laboratory, sample identification number, sample location in latitude and longitude (decimal degrees format), method of location determination (i.e., GPS, survey etc.), date and time of sample collection, water quality parameter (or characteristic being measured), analysis result, result units, detection limit and definition (i.e., MDL etc.), analytical method, date completed, and any applicable notes.
 - c. The permittee may submit the Report as an attachment to the DMR when the reapplication is due. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0032370_SWMRP, where YYYY_MM_DD is the date that the permittee submits the report.

II. Special Conditions

A. Quality Assurance Plan (QAP)

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

Within 180 days of the effective date of this permit, the permittee must submit written notice to EPA and DNR that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0032370_QAP_55099, where YYYY_MM_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or DNR upon request.

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

B. Best Management Practices Plan

1. Purpose

Through implementation of the best management practices (BMP) plan the permittee must prevent or minimize the generation and the potential for the

release of pollutants from the facility to the waters of the United States through normal and ancillary activities.

2. Development and Implementation Schedule

The permittee must develop and implement a BMP Plan which achieves the objectives and the specific requirements listed below. The permittee must submit written notice to EPA and DNR that the Plan has been developed and implemented within 180 days of the effective date of the permit. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0032370_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the written notification. Any existing BMP plans may be modified for compliance with this section. The plan must be retained on site and made available to EPA and/or DNR upon request. The permittee must implement the provisions of the plan as conditions of this permit within 180 days of the effective date of this permit.

3. Objectives

The permittee must develop and amend the BMP Plan consistent with the following objectives for the control of pollutants.

- a. The number and quantity of pollutants and the toxicity of effluent generated, discharged or potentially discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.
- b. Under the BMP Plan and any Standard Operating Procedures included in the BMP Plan, the permittee must ensure proper operation and maintenance of water management and wastewater treatment systems. BMP Plan elements must be developed in accordance with good engineering practices.
- c. Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc. The examination must include all normal operations and ancillary activities including material storage areas, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.

4. Elements of the BMP Plan

The BMP Plan must be consistent with the objectives above and the general guidance contained in Guidance Manual for Developing Best Management Practices (EPA 833-B-93-004, October 1993) and Storm Water Management For Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-006) or

any subsequent revision to these guidance documents. The BMP Plan must include, at a minimum, the following items:

- a) Plan Components.
 - i. Statement of BMP policy. The BMP Plan must include a statement of management commitment to provide the necessary financial, staff, equipment, and training resources to develop and implement the BMP Plan on a continuing basis.
 - ii. Structure, functions, and procedures of the BMP Committee. The BMP Plan must establish a BMP Committee responsible for developing, implementing, and maintaining the BMP Plan.
 - iii. Description of potential pollutant sources.
 - iv. Risk identification and assessment.
 - v. Standard operating procedures to achieve the above objectives and specific best management practices (see below).
 - vi. Reporting of BMP incidents. The reports must include a description of the circumstances leading to the incident, corrective actions taken and recommended changes to operating and maintenance practices to prevent recurrence.
 - vii. Materials compatibility.
 - viii. Good housekeeping.
 - ix. Inspections.
 - x. Preventative maintenance and repair.
 - xi. Security.
 - xii. Employee training.
 - xiii. Recordkeeping and reporting.
 - xiv. Prior evaluation of any planned modifications to the facility to ensure that the requirements of the BMP plan are considered as part of the modifications.
 - xv. Final constructed site plans, drawings and maps (including detailed storm water outfall/culvert configurations).
- b. Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under Permit Part II.C. and which ensure that the following specific requirements are met:
 - i. Solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters must be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

- ii. Ensure proper management of solid and hazardous waste in accordance with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Management practices required under RCRA regulations must be referenced in the BMP Plan.
- iii. Stormwater Components to address Facility Storage Area
 - a) Control Measures
 - i) Select, design, install, and implement
 - ii) Minimize exposure to stormwater (e.g. diverting stormwater around the Storage Facility)
 - b) Control Practices

The Control Practices taken to minimize stormwater impacts must address:

 - i) Training
 - ii) Maintenance
 - iii) Good Housekeeping
 - iv) Minimize the potential for spills and leaks
 - c) Other Requirements
 - i) Inspections
 - ii) Reporting and Recertification
 - iii) Corrective Actions

5. Review and Certification

The BMP Plan must be reviewed and certified as follows:

- a. Annual review by the plant manager and BMP Committee.
- b. Certified statement that the above reviews have been completed and that the BMP Plan fulfills the requirements set forth in this permit. The statement must be certified by the dated signatures of each BMP Committee member. The statement must be submitted to EPA on or before March 1 of each year of operation under this permit after the initial BMP submittal (the initial statement must be submitted to EPA six months after submittal of the BMP Plan).

6. Documentation

The permittee must maintain a copy of the BMP Plan at the facility and make it available to EPA or an authorized representative upon request.

7. BMP Plan Modification

- a. The permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases

the generation of pollutants or their release or potential release to surface waters.

- b. The permittee must amend the BMP Plan whenever it is found to be ineffective in achieving the general objective of preventing and minimizing the generation and the potential for the release of pollutants from the facility to the waters of the United States and/or the specific requirements above.
- c. Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to EPA with the annual certification required under paragraph B.5.b., above.

C. Schedule of Compliance for Chlorine

1. The permittee must achieve compliance with the chlorine limitations in Part I.B, Table 1 within five years of the effective date of the permit.
2. Until compliance with the effluent limits is achieved, at a minimum, the permittee must complete the tasks and reports listed in Table 5.

Table 5 – Tasks Required Under the Schedule of Compliance for Chlorine for Outfall 001

Task No.	Due By	Task Activity
1	12 months from the effective date of this permit	Facility Plan The permittee must develop a draft facility plan that evaluates the alternative(s) to meet the final chlorine effluent limits and select a preferred alternative. Deliverable: The permittee must submit written notice to EPA that the plan is complete. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Plan_43699, where YYYY_MM_DD is the date that the permittee submits the written notification.
2	24 months from the effective date of this permit	Final Design The permittee must complete design of the selected alternative to meet the chlorine effluent limits. Deliverable: The permittee must provide written notice to EPA that the final design is complete. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD

		WA0037320_Plan_90408, where YYYY_MM_DD is the date that the permittee submits the written notification.
3	36 months from the effective date of this permit	Begin Construction Deliverable: The permittee must provide written notice to EPA that construction of improvements to meet the chlorine effluent limits has begun. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Construct_CS014, where YYYY_MM_DD is the date that the permittee submits the written notification.
4	48 months from the effective date of this permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final chlorine effluent limits. Deliverable: The permittee must submit report of progress to the EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.
5	60 months from the effective date of this permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final chlorine effluent limits. Deliverable: The permittee must submit report of progress to the EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.
6	72 months from the effective date of this permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final chlorine effluent limits. Deliverable: The permittee must submit report of progress to the EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:

		YYYY_MM_DD_WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.
7	84 months from the effective date of this permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final chlorine effluent limits. Deliverable: The permittee must submit report of progress to the EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.
8	96 months from the effective date of this permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final chlorine effluent limits. Deliverable: The permittee must submit report of progress to the EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.
9	108 months from the effective date of this permit	Report of Progress The permittee must submit a report that outlines the progress towards meeting the final chlorine effluent limits. Deliverable: The permittee must submit report of progress to the EPA. The permittee may submit the report as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Progress_CS010, where YYYY_MM_DD is the date that the permittee submits the report.
10	120 months from the effective date of this permit	Construction Complete and Meet Effluent Limitations for Chlorine Construction and optimization of process such that compliance with the chlorine effluent limitations are achieved.

		Deliverable: The permittee must provide written notice to the EPA that the construction is complete and chlorine effluent limitations are achieved. The permittee may submit the written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0037320_Limits_FELAC, where YYYY_MM_DD is the date that the permittee submits the written notification.
*Note-if compliance with the final chlorine effluent limits is achieved sooner than the listed deadlines, the permittee may submit the supporting documentation earlier than the dates listed above. The permittee must provide written notice to EPA that the chlorine limitations are achieved.		

III. General Monitoring, Recording and Reporting Requirements

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

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

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

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

B. Reporting of Monitoring Results

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

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Permit Part V.E., Signatory Requirements.
3. The permittee must submit copies of the DMRs and other reports to DNR.
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA and DNR as

NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows:
YYYY_MM_DD_WA0032370_Report Type Name_Identifying Code, where YYYY_MM_DD is the date that the permittee submits the attachment.

5. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from:
<https://netdmr.epa.gov/netdmr/public/home.htm>
6. Unless identified elsewhere in the permit, hardcopy reports may be submitted to:

U.S. Environmental Protection Agency, R10
1200 Sixth Avenue, Suite 155, 20-C04
Seattle, Washington 98101

Squaxin Island Tribe
Department of Natural Resources
10 SE Squaxin Lane
Shelton, Washington 98584

C. Monitoring Procedures

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

D. Additional Monitoring by Permittee

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

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

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling and measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or DNR at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that exceeds any effluent limitation in the permit (see Permit Part IV.F., Bypass of Treatment Facilities);
 - c. any upset that exceeds any effluent limitation in the permit (see Permit Part IV.G., Upset Conditions); or
 - d. any violation of a maximum daily discharge limitation for applicable pollutants identified by Table 1.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Enforcement and Compliance Assurance Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Permit Part III.B., Reporting of Monitoring Results.

H. Other Noncompliance Reporting

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Permit Part III.B., Reporting of Monitoring Results, are submitted. The reports must contain the information listed in Permit Part III.G.2., Twenty-four Hour Notice of Noncompliance Reporting.

I. Changes in Discharge of Toxic Pollutants

The permittee must notify the Director of the Water Division and DNR as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following notification levels:
 - a. One hundred micrograms per liter (100 ug/l);
 - b. 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;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following notification levels:
 - a. Five hundred micrograms per liter (500 ug/l);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to the Water Division at the following address:

US EPA Region 10
Attn: NPDES Permitting Section Manager
1200 Sixth Avenue
Suite 155, 19-C04
Seattle, Washington 98101-3188

J. Compliance Schedules

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

IV. Compliance Responsibilities

A. Duty to Comply

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

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) 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 \$55,800 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 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 \$22,320 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$55,800). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 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 \$22,320 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$278,995).
3. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that any person who negligently violates CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any of such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal

penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. **Knowing Endangerment.** Any person who knowingly violates CWA §§ 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in CWA § 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Permit Part III.G., Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director of the Enforcement and Compliance Assurance Division may take enforcement action against the permittee for a bypass, unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

- iii. The permittee submitted notices as required under paragraph 2 of this Part.
- b. The Director of the Enforcement and Compliance Assurance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Permit Part III.G., Twenty-four Hour Notice of Noncompliance Reporting; and
 - d. The permittee complied with any remedial measures required under Permit Part IV.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

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

I. Planned Changes

The permittee must give written notice to the Director of the Water Division as specified in Permit Part III.I.3. and DNR as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Permit Part III.I., Changes in Discharge of Toxic Substances.

J. Anticipated Noncompliance

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

V. General Provisions

A. Permit Actions

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

B. Duty to Reapply

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

C. Duty to Provide Information

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

D. Other Information

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

E. Signatory Requirements

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

1. All permit applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or DNR must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director of the Enforcement and Compliance Assurance Division and DNR.
3. Changes to authorization. If an authorization under Permit Part V.E.2. 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 Permit Part V.E.2. must be submitted to the Director of the Enforcement and Compliance Assurance Division and DNR prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

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

F. Availability of Reports

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

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

G. Inspection and Entry

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

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

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Water Division as specified in Permit Part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

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

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

VI. Definitions

1. **Act** means the Clean Water Act.
2. **Administrator** means the Administrator of the EPA, or an authorized representative.
3. **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.
4. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. **Bypass** means the intentional diversion of waste streams from any portion of a treatment facility.
6. **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.
7. **Director of the Enforcement and Compliance Assurance Division** means the Director of the Enforcement and Compliance Assurance Division, EPA Region 10, or an authorized representative.
8. **Director of the Water Division** means the Director of the Water Division, EPA Region 10, or an authorized representative.
9. **DMR** means discharge monitoring report.
10. **EPA** means the United States Environmental Protection Agency.
11. **Geometric Mean** means the n th root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
12. **Grab sample** is an individual sample collected over a period of time not exceeding 15 minutes.
13. **Maximum daily discharge limitation** means the highest allowable daily discharge.
14. **Method Detection Limit (MDL)** means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.

15. **Minimum Level (ML)** means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
16. **NPDES** means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under CWA §§ 307, 402, 318, and 405.
17. **QA/QC** means quality assurance/quality control.
18. **Regional Administrator** means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.
19. **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.
20. **Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Appendix A: Minimum Levels

The Table below lists the maximum Minimum Level (ML) for pollutants that may have monitoring requirements in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If the Permittee is unable to obtain the required ML in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a ML to EPA with appropriate laboratory documentation.

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Biochemical Oxygen Demand	2 mg/L
Chemical Oxygen Demand	10 mg/L
Dissolved Organic Carbon	1 mg/L
Total Organic Carbon	1 mg/L
Total Suspended Solids	5 mg/L
Total Ammonia (as N)	50
Dissolved oxygen	+/- 0.2 mg/L
Temperature	+/- 0.2° C
pH	N/A
Chlorine, Total Residual	50.0
Fecal Coliform	6 #/100 mL
Enterococci	3 #/100 mL
Turbidity	3 NTU