

ATTACHMENT NO. 1
1997 CALIFORNIA OCEAN PLAN
CHAPTER V
DISCHARGE PROHIBITIONS

A. Hazardous Substances

The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste* into the ocean* is prohibited.

B. Areas of Special Biological Significance

Waste* shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.

C. Sludge

Pipeline discharge of sludge to the ocean* is prohibited by federal law; the discharge of municipal and industrial waste* sludge directly to the ocean*, or into a waste* stream that discharges to the ocean*, is prohibited by this Plan. The discharge of sludge digester supernatant directly to the ocean*, or to a waste* stream that discharges to the ocean* without further treatment, is prohibited.

It is the policy of the SWRCB that the treatment, use and disposal of sewage sludge shall be carried out in the manner found to have the least adverse impact on the total natural and human environment. Therefore, if federal law is amended to permit such discharge, which could affect California waters, the SWRCB may consider requests for exceptions to this section under Chapter VI, F. of this Plan, provided further that an Environmental Impact Report on the proposed project shows clearly that any available alternative disposal method will have a greater adverse environmental impact than the proposed project.

D. By-Passing

The by-passing of untreated wastes* containing concentrations of pollutants in excess of those of Table A or Table B to the ocean* is prohibited.

Please refer to the 1997 California Ocean Plan, as revised, for further information.

ATTACHMENT NO. 2

1994 WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) WASTE DISCHARGE PROHIBITIONS

California Water Code Section 13243 provides that a Regional Board, in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person as defined by Section 13050(c) of the California Water Code and to any person who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the San Diego Region.

1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code Section 13050, is prohibited.
2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264, is prohibited.
3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited.
4. The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited.
5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the Regional Board. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability.
6. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.
7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board.
8. Any discharge to a storm water conveyance system that is not composed entirely of storm water is prohibited unless authorized by the Regional Board. (The federal regulations, 40

CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharge resulting from fire fighting activities.) (§122.26 amended at 56 FR 56553, November 5, 1991 57 FR 11412, April 2, 1992).

9. The authorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.
10. The discharge of industrial wastes to conventional septic tank/subsurface disposal systems, except as authorized by the terms described in California Water Code Section 13264, is prohibited.
11. The discharge of radioactive waste amenable to alternative methods of disposal into the waters of the state is prohibited.
12. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.
13. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the Regional Board.
14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
15. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.
16. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
17. The discharge of treated sewage from vessels to portion of San Diego Bay that are less than 30 feet deep at mean lower low water (MLLW) is prohibited.
18. The discharge of treated sewage from vessels, which do not have a properly functioning US Coast Guard certified Type I or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep a mean lower low water (MLLW) is prohibited.

ATTACHMENT NO. 3

40 CFR STANDARD PROVISION REFERENCES

40 CFR 122.5 Effect of a permit.

40 CFR 122.5(a)

(a) Applicable to State programs, see §123.25.

40 CFR 122.5(a)(1)

(1) Except for any toxic effluent standards and prohibitions imposed under section 307 of the CWA and "standards for sewage sludge use or disposal" under §405(d) of the CWA, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 403, and 405(a)-(b) of the CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§122.62 and 122.64.

40 CFR 122.5(a)(2)

(2) Compliance with a permit condition which implements a particular "standard for sewage sludge use or disposal" shall be an affirmative defense in any enforcement action brought for a violation of that "standard for sewage sludge use or disposal" pursuant to sections 405(e) and 309 of the CWA.

40 CFR 122.5(b)

(b) Applicable to State programs, See §123.25. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

40 CFR 122.5(c)

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

40 CFR 122.21 Application for a permit (applicable to State programs, see §123.25).

40 CFR 122.21(a)

(a) Duty to apply. Any person who discharges or proposes to discharge pollutants or who owns or operates a "sludge-only facility" and who does not have an effective permit, except persons covered by general permits under §122.28, excluded under §122.3, or a user of a privately owned treatment works unless the Director requires otherwise under §122.44(m), shall submit a complete application (which shall include a Best Management Practices (BMP) program if necessary under 40 CFR 125.102) to the Director in accordance with this section and part 124.

40 CFR 122.21(b)

(b) Duty to Apply. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

40 CFR 122.21(c)

(c) Time to apply.

40 CFR 122.21(c)(1)

(1) Any person proposing a new discharge, shall submit an application at least 180 days before the date on which the discharge is to commence, unless permission for a later date has been granted by the Director. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity. Facilities described under §122.26(b)(14)(x) shall submit applications at least 90 days before the date on which construction is to commence. Different submittal dates may be required under the terms of applicable general permits. Persons proposing a new discharge are encouraged to submit their applications well in advance of the 90 or 180 day requirements to avoid delay. See also paragraph (k) of this section and §122.26(c)(1)(i)(G) and (c)(1)(ii). New discharges composed entirely of storm water, other than those dischargers identified by §122.26(a)(1), shall apply for and obtain a permit according to the application requirements in §122.26(g). [§122.21(c)(1) amended at 60 FR 17957, April 7, 1995; 60 FR 40235, Aug. 7, 1995]

40 CFR 122.21(c)(2)

(2) Permits under section 405(f) of the CWA.

40 CFR 122.21(c)(2)(i)

(i) Any existing "treatment works treating domestic sewage" required to have, or requesting site-specific pollutant limits as provided in 40 CFR part 503, must submit the permit application information required by paragraph (d)(3)(ii) of this section within 180 days after publication of a standard applicable to its sewage sludge use or disposal practice(s). After this 180 day period, "treatment works treating domestic sewage" may only apply for site-specific pollutant limits for good cause and such requests must be made within 180 days of becoming aware that good cause exists. [New §122.21(c)(2)(i) added at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(ii)

(ii) Any "treatment works treating domestic sewage" with a currently effective NPDES permit, not addressed under paragraph (c)(2)(i) of this section, must submit the application information required by paragraph (d)(3)(ii) of this section at the time of its next NPDES permit renewal application. Such information must be submitted in accordance with paragraph (d) of this section. [Former §122.21(c)(2)(i) revised and redesignated as new (ii) at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(iii)

(iii) Any other existing "treatment works treating domestic sewage" not addressed under paragraphs (c)(2)(i) or (ii) of this section must submit the information listed in paragraphs (c)(2)(iii)(A) - (E) of this section, to the Director within 1 year after publication of a standard applicable to its sewage sludge use or disposal practice(s). The Director shall determine when such "treatment works treating domestic sewage" must apply for a permit.

40 CFR 122.21(c)(2)(iii)(A)

(A) Name, mailing address and location of the "treatment works treating domestic sewage;"

40 CFR 122.21(c)(2)(iii)(B)

(B) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public or other entity;

40 CFR 122.21(c)(2)(iii)(C)

(C) A description of the sewage sludge use or disposal practices (including, where applicable, the location of any sites where sewage sludge is transferred for treatment, use, or disposal, as well as the name of the applicator or other contractor who applies the sewage sludge to land, if different from the "treatment works treating domestic sewage," and the name of any distributors if the sewage sludge is sold or given away in a bag or similar enclosure for application to the land, if different from the "treatment works treating domestic sewage");

40 CFR 122.21(c)(2)(iii)(D)

(D) Annual amount of sewage sludge generated, treated, used or disposed (dry weight basis); and

40 CFR 122.21(c)(2)(iii)(E)

(E) The most recent data the "treatment works treating domestic sewage" may have on the quality of the sewage sludge. [Former §122.21(c)(2)(ii) revised and redesignated as new (iii) at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(iv)

(iv) Notwithstanding paragraphs (c)(2)(i), (ii), or (iii) of this section, the Director may require permit applications from any "treatment works treating domestic sewage" at any time if the Director determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge. [New §122.21(c)(2)(iv) added at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(c)(2)(v)

(v) Any "treatment works treating domestic sewage" that commences operations after promulgation of an applicable "standard for sewage sludge use or disposal" shall submit

an application to the Director at least 180 days prior to the date proposed for commencing operations. [Former §122.21(c)(2)(iii) redesignated as new (v) at 58 FR 9413, Feb. 19, 1993]

40 CFR 122.21(d)

(d) Duty to reapply.

40 CFR 122.21(d)(1)

(1) Any POTW 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. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

40 CFR 122.21(d)(2)

(2) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:

40 CFR 122.21(d)(2)(i)

(i) The Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date; and

40 CFR 122.21(d)(3)

(3)(i) All applicants for EPA-issued permits, other than POTWs, new sources, and "sludge-only facilities," must complete Forms 1 and either 2b or 2c of the consolidated permit application forms to apply under §122.21 and paragraphs (f), (g), and (h) of this section.

40 CFR 122.21(d)(3)(ii)

(ii) In addition to any other applicable requirements in this part, all POTWs and other "treatment works treating domestic sewage," including "sludge-only facilities," must submit with their applications the information listed at 40 CFR 501.15(a)(2) within the time frames established in paragraph (c)(2) of this section.

40 CFR 122.21(e)

(e) Completeness. The Director shall not issue a permit before receiving a complete application for a permit except for NPDES general permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. For EPA administered NPDES programs, an application which is reviewed under §124.3 is complete when the Director receives either a complete application or the information listed in a notice of deficiency.

40 CFR 122.21(f)

(f) Information requirements. All applicants for NPDES permits shall provide the following information to the Director, using the application form provided by the Director (additional information required of applicants is set forth in paragraphs (g) through (k) of this section).

40 CFR 122.21(f)(1)

(1) The activities conducted by the applicant which require it to obtain an NPDES permit.

40 CFR 122.21(f)(2)

(2) Name, mailing address, and location of the facility for which the application is submitted.

40 CFR 122.21(f)(3)

(3) Up to four SIC codes which best reflect the principal products or services provided by the facility.

40 CFR 122.21(f)(4)

(4) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

40 CFR 122.21(f)(5)

(5) Whether the facility is located on Indian lands.

40 CFR 122.21(f)(6)

(6) A listing of all permits or construction approvals received or applied for under any of the following programs:

40 CFR 122.21(f)(6)(i)

(i) Hazardous Waste Management program under RCRA.

40 CFR 122.21(f)(6)(ii)

(ii) UIC program under SDWA.

40 CFR 122.21(f)(6)(iii)

(iii) NPDES program under CWA.

40 CFR 122.21(f)(6)(iv)

(iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

40 CFR 122.21(f)(6)(v)

(v) Nonattainment program under the Clean Air Act.

40 CFR 122.21(f)(6)(vi)

(vi) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

40 CFR 122.21(f)(6)(vii)

(vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

40 CFR 122.21(f)(6)(viii)

(viii) Dredge or fill permits under section 404 of CWA.

40 CFR 122.21(f)(6)(ix)

(ix) Other relevant environmental permits, including State permits.

40 CFR 122.21(f)(7)

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

40 CFR 122.21(f)(8)

(8) A brief description of the nature of the business.

40 CFR 122.21(g)

(g) Application requirements for existing manufacturing, commercial, mining, and silvicultural dischargers. Existing manufacturing, commercial mining, and silvicultural dischargers applying for NPDES permits, except for those facilities subject to the requirements of §122.21(h), shall provide the following information to the Director, using application forms provided by the Director.

40 CFR 122.21(g)(1)

(1) Outfall location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water.

40 CFR 122.21(g)(2)

(2) Line drawing. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under paragraph (g)(3) of this section. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead

a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

40 CFR 122.21(g)(3)

(3) Average flows and treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms (for example, "dye-making reactor", "distillation tower"). For a privately owned treatment works, this information shall include the identity of each user of the treatment works. The average flow of point sources composed of storm water may be estimated. The basis for the rainfall event and the method of estimation must be indicated.

40 CFR 122.21(g)(4)

(4) Intermittent flows. If any of the discharges described in paragraph (g)(3) of this section are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence (except for stormwater runoff, spillage or leaks).

40 CFR 122.21(g)(5)

(5) Maximum production. If an effluent guideline promulgated under section 304 of CWA applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline. The reported measure must reflect the actual production of the facility as required by §122.45(b)(2).

40 CFR 122.21(g)(6)

(6) Improvements. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

40 CFR 122.21(g)(7)

(7) Effluent characteristics. Information on the discharge of pollutants specified in this paragraph (except information on storm water discharges which is to be provided as specified in §122.26). When "quantitative data" for a pollutant are required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136. When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls. The requirements in paragraphs (g)(7)(iii) and (iv) of this section that an applicant must provide quantitative

data for certain pollutants known or believed to be present do not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant must report such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform and fecal streptococcus. For all other pollutants, 24-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, for discharges other than storm water discharges, the Director may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four (4) grab samples will be a representative sample of the effluent being discharged. For storm water discharges, all samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. For all applicants, a flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge. The flow-weighted composite sample for a storm water discharge may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes (applicants submitting permit applications for storm water discharges under §122.26(d) may collect flow weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the Director). However, a minimum of one grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than 24 hours. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required. For storm water discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty minutes (or as soon thereafter as practicable) of the discharge for all pollutants specified in §122.26(c)(1). For all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in §122.26 except pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus. The Director may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall), protocols for collecting samples under 40 CFR part 136, and additional time for submitting data on a case-by-case basis. An applicant is expected to "know or have reason to believe" that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide

manufactured by a facility may be expected to be present in contaminated storm water runoff from the facility.)

40 CFR 122.21(g)(7)(i)

(i) (A) Every applicant must report quantitative data for every outfall for the following pollutants:

Biochemical Oxygen Demand (BOD5)
Chemical Oxygen Demand
Total Organic Carbon
Total Suspended Solids
Ammonia (as N)
Temperature (both winter and summer)
pH

40 CFR 122.21(g)(7)(i)(B)

(B) The Director may waive the reporting requirements for individual point sources or for a particular industry category for one or more of the pollutants listed in paragraph (g)(7)(i)(A) of this section if the applicant has demonstrated that such a waiver is appropriate because information adequate to support issuance of a permit can be obtained with less stringent requirements.

40 CFR 122.21(g)(7)(ii)

(ii) Each applicant with processes in one or more primary industry category (see appendix A to part 122) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater.

40 CFR 122.21(g)(7)(ii)(A)

(A) The organic toxic pollutants in the fractions designated in table I of appendix D of this part for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph (g)(8) of this section. Table II of appendix D of this part lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes. [See Notes 2, 3, and 4 of this section.]

40 CFR 122.21(g)(7)(ii)(B)

(B) The pollutants listed in table III of appendix D of this part (the toxic metals, cyanide, and total phenols).

40 CFR 122.21(g)(7)(iii)

(iii) (A) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in table IV of appendix D (certain conventional and non-conventional pollutants) is discharged from each outfall. If an applicable effluent limitations guideline either directly limits the pollutant or, by its express terms, indirectly limits the pollutant through limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged which is not so limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

40 CFR 122.21(g)(7)(iii)(B)

(B) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants listed in table II or table III of appendix D (the toxic pollutants and total phenols) for which quantitative data are not otherwise required under paragraph (g)(7)(ii) of this section, is discharged from each outfall. For every pollutant expected to be discharged in concentrations of 10 ppb or greater the applicant must report quantitative data. For acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, where any of these four pollutants are expected to be discharged in concentrations of 100 ppb or greater the applicant must report quantitative data. For every pollutant expected to be discharged in concentrations less than 10 ppb, or in the case of acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, in concentrations less than 100 ppb, the applicant must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged. An applicant qualifying as a small business under paragraph (g)(8) of this section is not required to analyze for pollutants listed in table II of appendix D (the organic toxic pollutants).

40 CFR 122.21(g)(7)(iv)

(iv) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in table V of appendix D of this part (certain hazardous substances and asbestos) are discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data it has for any pollutant.

40 CFR 122.21(g)(7)(v)

(v) Each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) if it:

40 CFR 122.21(g)(7)(v)(A)

(A) Uses or manufactures 2,4,5- trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnol); 2,4,5- trichlorophenol (TCP); or hexachlorophene (HCP); or

40 CFR 122.21(g)(7)(v)(B)

(B) Knows or has reason to believe that TCDD is or may be present in an effluent.

40 CFR 122.21(g)(8)

(8) Small business exemption. An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements in paragraph (g)(7)(ii)(A) or (g)(7)(iii)(A) of this section to submit quantitative data for the pollutants listed in table II of appendix D of this part (the organic toxic pollutants):

40 CFR 122.21(g)(8)(i)

(i) For coal mines, a probable total annual production of less than 100,000 tons per year.

40 CFR 122.21(g)(8)(ii)

(ii) For all other applicants, gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars).

40 CFR 122.21(g)(9)

(9) Used or manufactured toxics. A listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate or final product or byproduct. The Director may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the Director has adequate information to issue the permit.

40 CFR 122.21(g)(10)

(10) [Reserved]

40 CFR 122.21(g)(11)

(11) Biological toxicity tests. An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last 3 years on any of the applicant's discharges or on a receiving water in relation to a discharge.

40 CFR 122.21(g)(12)

(12) Contract analyses. If a contract laboratory or consulting firm performed any of the analyses required by paragraph (g)(7) of this section, the identity of each laboratory or firm and the analyses performed.

40 CFR 122.21(g)(13)

(13) Additional information. In addition to the information reported on the application form, applicants shall provide to the Director, at his or her request, such other information as the Director may reasonably require to assess the discharges of the facility and to determine whether to issue an NPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

40 CFR 122.21(h)

(h) Application requirements for manufacturing, commercial, mining and silvicultural facilities which discharge only non-process wastewater. Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for NPDES permits which discharge only non-process wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information to the Director, using application forms provided by the Director.

40 CFR 122.21(h)(1)

(1) Outfall location. Outfall number, latitude and longitude to the nearest 15 seconds, and the name of the receiving water.

40 CFR 122.21(h)(2)

(2) Discharge date (for new dischargers). Date of expected commencement of discharge.

40 CFR 122.21(h)(3)

(3) Type of waste. An identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, restaurant or cafeteria wastes, or non-contact cooling water. An identification of cooling water additives (if any) that are used or expected to be used upon commencement of operations, along with their composition if existing composition is available.

40 CFR 122.21(h)(4)

(4) Effluent characteristics.

40 CFR 122.21(h)(4)(i)

(i) Quantitative data for the pollutants or parameters listed below, unless testing is waived by the Director. The quantitative data may be data collected over the past 365 days, if they remain representative of current operations, and must include maximum daily value, average daily value, and number of measurements taken. The applicant must collect and analyze samples in accordance with 40 CFR part 136. Grab samples must be used for pH, temperature, oil and grease, total residual chlorine, and fecal coliform. For all other pollutants, 24-hour composite samples must be used. New dischargers must include estimates for the pollutants or parameters listed below instead of actual sampling data, along with the source of each estimate. All levels must be reported or estimated as concentration and as total mass, except for flow, pH, and temperature.

40 CFR 122.21(h)(4)(i)(A)

(A) Biochemical Oxygen Demand (BOD5).

40 CFR 122.21(h)(4)(i)(B)

(B) Total Suspended Solids (TSS).

40 CFR 122.21(h)(4)(i)(C)

(C) Fecal Coliform (if believed present or if sanitary waste is or will be discharged).

40 CFR 122.21(h)(4)(i)(D)

(D) Total Residual Chlorine (if chlorine is used).

40 CFR 122.21(h)(4)(i)(E)

(E) Oil and Grease.

40 CFR 122.21(h)(4)(i)(F)

(F) Chemical Oxygen Demand (COD) (if non-contact cooling water is or will be discharged).

40 CFR 122.21(h)(4)(i)(G)

(G) Total Organic Carbon (TOC) (if non-contact cooling water is or will be discharged).

40 CFR 122.21(h)(4)(i)(H)

(H) Ammonia (as N).

40 CFR 122.21(h)(4)(i)(I)

(I) Discharge Flow.

40 CFR 122.21(h)(4)(i)(J)

(J) pH.

40 CFR 122.21(h)(4)(i)(K)

(K) Temperature (Winter and Summer).

40 CFR 122.21(h)(4)(ii)

(ii) The Director may waive the testing and reporting requirements for any of the pollutants or flow listed in paragraph (h)(4)(i) of this section if the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of a permit can be obtained through less stringent requirements.

40 CFR 122.21(h)(4)(iii)

(iii) If the applicant is a new discharger, he must complete and submit Item IV of Form 2e (see §122.21(h)(4)) by providing quantitative data in accordance with that section no later than two years after commencement of discharge. However, the applicant need not complete those portions of Item IV requiring tests which he has already performed and reported under the discharge monitoring requirements of his NPDES permit.

40 CFR 122.21(h)(4)(iv)

(iv) The requirements of parts i and iii of this section that an applicant must provide quantitative data or estimates of certain pollutants do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report such pollutants as present. Net credit may be provided for the presence of pollutants in intake water if the requirements of §122.45(g) are met.

40 CFR 122.21(h)(5)

(5) Flow. A description of the frequency of flow and duration of any seasonal or intermittent discharge (except for stormwater runoff, leaks, or spills).

40 CFR 122.21(h)(6)

(6) Treatment system. A brief description of any system used or to be used.

40 CFR 122.21(h)(7)

(7) Optional information. Any additional information the applicant wishes to be considered, such as influent data for the purpose of obtaining "net" credits pursuant to §122.45(g).

40 CFR 122.21(h)(8)

(8) Certification. Signature of certifying official under §122.22.

40 CFR 122.21(i)

(i) Application requirements for new and existing concentrated animal feeding operations and aquatic animal production facilities. New and existing concentrated animal feeding operations (defined in §122.23) and concentrated aquatic animal production facilities (defined in §122.24) shall provide the following information to the Director, using the application form provided by the Director:

40 CFR 122.21(i)(1)

(1) For concentrated animal feeding operations:

40 CFR 122.21(i)(1)(i)

(i) The type and number of animals in open confinement and housed under roof.

40 CFR 122.21(i)(1)(ii)

(ii) The number of acres used for confinement feeding.

40 CFR 122.21(i)(1)(iii)

(iii) The design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.

40 CFR 122.21(i)(2)

(2) For concentrated aquatic animal production facilities:

40 CFR 122.21(i)(2)(i)

(i) The maximum daily and average monthly flow from each outfall.

40 CFR 122.21(i)(2)(ii)

(ii) The number of ponds, raceways, and similar structures.

40 CFR 122.21(i)(2)(iii)

(iii) The name of the receiving water and the source of intake water.

40 CFR 122.21(i)(2)(iv)

(iv) For each species of aquatic animals, the total yearly and maximum harvestable weight.

40 CFR 122.21(i)(2)(v)

(v) The calendar month of maximum feeding and the total mass of food fed during that month.

40 CFR 122.21(j)

(j) Application requirements for new and existing POTWs.

40 CFR 122.21(j)(1)

(1) The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the Director:

40 CFR 122.21(j)(1)(i)

(i) All POTWs with design influent flows equal to or greater than one million gallons per day;

40 CFR 122.21(j)(1)(ii)

(ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program;

40 CFR 122.21(j)(2)

(2) In addition to the POTWs listed in paragraph (j)(1) of this section, the Director may require other POTWs to submit the results of toxicity tests with their permit applications, based on consideration of the following factors:

40 CFR 122.21(j)(2)(i)

(i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);

40 CFR 122.21(j)(2)(ii)

(ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);

40 CFR 122.21(j)(2)(iii)

(iii) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;

40 CFR 122.21(j)(2)(iv)

(iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or

40 CFR 122.21(j)(2)(v)

(v) Other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the Director determines could cause or contribute to adverse water quality impacts.

40 CFR 122.21(j)(3)

(3) For POTWs required under paragraph (j)(1) or (j)(2) of this section to conduct toxicity testing, POTWs shall use EPA's methods or other established protocols which are scientifically defensible and sufficiently sensitive to detect aquatic toxicity. Such testing must have been conducted since the last NPDES permit reissuance or permit modification under 40 CFR 122.62(a), whichever occurred later.

40 CFR 122.21(j)(4)

(4) All POTWs with approved pretreatment programs shall provide the following information to the Director: a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1).

40 CFR 122.21(k)

(k) Application requirements for new sources and new discharges. New manufacturing, commercial, mining and silvicultural dischargers applying for NPDES permits (except for new discharges of facilities subject to the requirements of paragraph (h) of this section or new discharges of storm water associated with industrial activity which are subject to the requirements of §122.26(c)(1) and this section (except as provided by §122.26(c)(1)(ii)) shall provide the following information to the Director, using the application forms provided by the Director:

40 CFR 122.21(k)(1)

(1) Expected outfall location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water.

40 CFR 122.21(k)(2)

(2) Discharge dates. The expected date of commencement of discharge.

40 CFR 122.21(k)(3)

(3) Flows, sources of pollution, and treatment technologies.

40 CFR 122.21(k)(3)(i)

(i) Expected treatment of wastewater. Description of the treatment that the wastewater will receive, along with all operations contributing wastewater to the effluent, average flow contributed by each operation, and the ultimate disposal of any solid or liquid wastes not discharged.

40 CFR 122.21(k)(3)(ii)

(ii) Line drawing. A line drawing of the water flow through the facility with a water balance as described in §122.21(g)(2).

40 CFR 122.21(k)(3)(iii)

(iii) Intermittent flows. If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration and maximum daily flow rate of each discharge occurrence (except for stormwater runoff, spillage, or leaks).

40 CFR 122.21(k)(4)

(4) Production. If a new source performance standard promulgated under section 306 of CWA or an effluent limitation guideline applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard as required by §122.45(b)(2) for each of the first three years. Alternative estimates may also be submitted if production is likely to vary.

40 CFR 122.21(k)(5)

(5) Effluent characteristics. The requirements in paragraphs (h)(4)(i), (ii), and (iii) of this section that an applicant must provide estimates of certain pollutants expected to be present do not apply to pollutants present in a discharge solely as a result of their presence in intake water; however, an applicant must report such pollutants as present. Net credits may be provided for the presence of pollutants in intake water if the requirements of §122.45(g) are met. All levels (except for discharge flow, temperature, and pH) must be estimated as concentration and as total mass.

40 CFR 122.21(k)(5)(i)

(i) Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants or parameters. The Director may waive the reporting requirements for any of these pollutants and parameters if the applicant submits a request for such a waiver before or with his application which

demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

40 CFR 122.21(k)(5)(i)(A)

(A) Biochemical Oxygen Demand (BOD).

40 CFR 122.21(k)(5)(i)(B)

(B) Chemical Oxygen Demand (COD).

40 CFR 122.21(k)(5)(i)(C)

(C) Total Organic Carbon (TOC).

40 CFR 122.21(k)(5)(i)(D)

(D) Total Suspended Solids (TSS).

40 CFR 122.21(k)(5)(i)(E)

(E) Flow.

40 CFR 122.21(k)(5)(i)(F)

(F) Ammonia (as N).

40 CFR 122.21(k)(5)(i)(G)

(G) Temperature (winter and summer).

40 CFR 122.21(k)(5)(i)(H)

(H) pH.

40 CFR 122.21(k)(5)(ii)

(ii) Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants, if the applicant knows or has reason to believe they will be present or if they are limited by an effluent limitation guideline or new source performance standard either directly or indirectly through limitations on an indicator pollutant: all pollutants in table IV of appendix D of part 122 (certain conventional and non-conventional pollutants).

40 CFR 122.21(k)(5)(iii)

(iii) Each applicant must report estimated daily maximum, daily average and source of information for the following pollutants if he knows or has reason to believe that they will be present in the discharges from any outfall:

40 CFR 122.21(k)(5)(iii)(A)

(A) The pollutants listed in table III of appendix D (the toxic metals, in the discharge from any outfall: Total cyanide, and total phenols);

40 CFR 122.21(k)(5)(iii)(B)

(B) The organic toxic pollutants in table II of appendix D (except bis (chloromethyl) ether, dichlorofluoro- methane and trichlorofluoro- methane). This requirement is waived for applicants with expected gross sales of less than \$100,000 per year for the next three years, and for coal mines with expected average production of less than 100,000 tons of coal per year.

40 CFR 122.21(k)(5)(iv)

(iv) The applicant is required to report that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) may be discharged if he uses or manufactures one of the following compounds, or if he knows or has reason to believe that TCDD will or may be present in an effluent:

40 CFR 122.21(k)(5)(iv)(A)

(A) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) (CAS #93-76-5);

40 CFR 122.21(k)(5)(iv)(B)

(B) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #93- 72-1);

40 CFR 122.21(k)(5)(iv)(C)

(C) 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-25-4);

40 CFR 122.21(k)(5)(iv)(D)

(D) 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnell) (CAS #299-84-3);

40 CFR 122.21(k)(5)(iv)(E)

(E) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or

40 CFR 122.21(k)(5)(iv)(F)

(F) Hexachlorophene (HCP) (CAS #70-30-4);

40 CFR 122.21(k)(5)(v)

(v) Each applicant must report any pollutants listed in table V of appendix D (certain hazardous substances) if he believes they will be present in any outfall (no quantitative estimates are required unless they are already available).

40 CFR 122.21(k)(5)(vi)

(vi) No later than two years after the commencement of discharge from the proposed facility, the applicant is required to complete and submit Items V and VI of NPDES application Form 2c (see §122.21(g)). However, the applicant need not complete those portions of Item V requiring tests which he has already performed and reported under the discharge monitoring requirements of his NPDES permit.

40 CFR 122.21(k)(6)

(6) Engineering Report. Each applicant must report the existence of any technical evaluation concerning his wastewater treatment, along with the name and location of similar plants of which he has knowledge.

40 CFR 122.21(k)(7)

(7) Other information. Any optional information the permittee wishes to have considered.

40 CFR 122.21(k)(8)

(8) Certification. Signature of certifying official under §122.22.

40 CFR 122.21(l)

(l) Special provisions for applications from new sources.

40 CFR 122.21(l)(1)

(1) The owner or operator of any facility which may be a new source(as defined in §122.2) and which is located in a State without an approved NPDES program must comply with the provisions of this paragraph.

40 CFR 122.21(l)(2)

(2)(i) Before beginning any on-site construction as defined in §122.29, the owner or operator of any facility which may be a new source must submit information to the Regional Administrator so that he or she can determine if the facility is a new source. The Regional Administrator may request any additional information needed to determine whether the facility is a new source.

40 CFR 122.21(l)(2)(ii)

(ii) The Regional Administrator shall make an initial determination whether the facility is a new source within 30 days of receiving all necessary information under paragraph (k)(2)(i) of this section.

40 CFR 122.21(l)(3)

(3) The Regional Administrator shall issue a public notice in accordance with §124.10 of the new source determination under paragraph (k)(2) of this section. If the Regional Administrator has determined that the facility is a new source, the notice shall state that the applicant must comply with the environmental review requirements of 40 CFR 6.600 et seq.

40 CFR 122.21(l)(4)

(4) Any interested person may challenge the Regional Administrator's initial new source determination by requesting an evidentiary hearing under subpart E of part 124 within 30 days of issuance of the public notice of the initial determination. If all parties to the evidentiary hearing on the determination agree, the Regional Administrator may defer the

hearing until after a final permit decision is made, and consolidate the hearing on the determination with any hearing on the permit.

40 CFR 122.21(m)

(m) Variance requests by non-POTWs. A discharger which is not a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the times specified in this paragraph:

40 CFR 122.21(m)(1)

(1) Fundamentally different factors.

40 CFR 122.21(m)(1)(i)

(i) A request for a variance based on the presence of "fundamentally different factors" from those on which the effluent limitations guideline was based shall be filed as follows:

40 CFR 122.21(m)(1)(i)(A)

(A) For a request from best practicable control technology currently available (BPT), by the close of the public comment period under §124.10.

40 CFR 122.21(m)(1)(i)(B)

(B) For a request from best available technology economically achievable (BAT) and/or best conventional pollutant control technology (BCT), by no later than:

40 CFR 122.21(m)(1)(i)(B)(1)

(1) July 3, 1989, for a request based on an effluent limitation guideline promulgated before February 4, 1987, to the extent July 3, 1989 is not later than that provided under previously promulgated regulations; or

40 CFR 122.21(m)(1)(i)(B)(2)

(2) 180 days after the date on which an effluent limitation guideline is published in the FEDERAL REGISTER for a request based on an effluent limitation guideline promulgated on or after February 4, 1987.

40 CFR 122.21(m)(1)(ii)

(ii) The request shall explain how the requirements of the applicable regulatory and/or statutory criteria have been met.

40 CFR 122.21(m)(2)

(2) Non-conventional pollutants. A request for a variance from the BAT requirements for CWA section 301(b)(2)(F) pollutants (commonly called "non-conventional" pollutants) pursuant to section 301(c) of the CWA because of the economic capability of the owner or operator, or pursuant to section 301(g) of the CWA (provided however that a §301(g) variance may only be requested for ammonia; chlorine; color; iron; total phenols (4AAP)

(when determined by the Administrator to be a pollutant covered by section 301(b)(2)(F)) and any other pollutant which the Administrator lists under section 301(g)(4) of the CWA) must be made as follows:

40 CFR 122.21(m)(2)(i)

(i) For those requests for a variance from an effluent limitation based upon an effluent limitation guideline by:

40 CFR 122.21(m)(2)(i)(A)

(A) Submitting an initial request to the Regional Administrator, as well as to the State Director if applicable, stating the name of the discharger, the permit number, the outfall number(s), the applicable effluent guideline, and whether the discharger is requesting a section 301(c) or section 301(g) modification or both. This request must have been filed not later than:

40 CFR 122.21(m)(2)(i)(A)(1)

(1) September 25, 1978, for a pollutant which is controlled by a BAT effluent limitation guideline promulgated before December 27, 1977; or

40 CFR 122.21(m)(2)(i)(A)(2)

(2) 270 days after promulgation of an applicable effluent limitation guideline for guidelines promulgated after December 27, 1977; and

40 CFR 122.21(m)(2)(i)(B)

(B) Submitting a completed request no later than the close of the public comment period under §124.10 demonstrating that the requirements of §124.13 and the applicable requirements of part 125 have been met. Notwithstanding this provision, the complete application for a request under section 301(g) shall be filed 180 days before EPA must make a decision (unless the Regional Division Director establishes a shorter or longer period).

40 CFR 122.21(m)(2)(ii)

(ii) For those requests for a variance from effluent limitations not based on effluent limitation guidelines, the request need only comply with paragraph (m)(2)(i)(B) of this section and need not be preceded by an initial request under paragraph (m)(2)(i)(A) of this section.

40 CFR 122.21(m)(3)

(3) [Reserved] [§122.21(m)(3) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.21(m)(4)

(4) [Reserved] [§122.21(m)(4) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.21(m)(5)

(5) Water quality related effluent limitations. A modification under section 302(b)(2) of requirements under section 302(a) for achieving water quality related effluent limitations may be requested no later than the close of the public comment period under §124.10 on the permit from which the modification is sought.

40 CFR 122.21(m)(6)

(6) Thermal discharges. A variance under CWA section 316(a) for the thermal component of any discharge must be filed with a timely application for a permit under this section, except that if thermal effluent limitations are established under CWA section 402(a)(1) or are based on water quality standards the request for a variance may be filed by the close of the public comment period under §124.10. A copy of the request as required under 40 CFR part 125, subpart H, shall be sent simultaneously to the appropriate State or interstate certifying agency as required under 40CFR part 125. (See §124.65 for special procedures for section 316(a) thermal variances.)

40 CFR 122.21(n)

(n) Variance requests by POTWs. A discharger which is a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory provisions as specified in this paragraph:

40 CFR 122.21(n)(1)

(1) Discharges into marine waters. A request for a modification under CWA section 301(h) of requirements of CWA section 301(b)(1)(B) for discharges into marine waters must be filed in accordance with the requirements of 40 CFR part 125, subpart G.

40 CFR 122.21(n)(2)

(2) [Reserved] [§122.21(n)(2) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.21(n)(3)

(3) Water quality based effluent limitation. A modification under CWA section 302(b)(2) of the requirements under section 302(a) for achieving water quality based effluent limitations shall be requested no later than the close of the public comment period under §124.10 on the permit from which the modification is sought.

40 CFR 122.21(o)

(o) Expedited variance procedures and time extensions.

40 CFR 122.21(o)(1)

(1) Notwithstanding the time requirements in paragraphs (m) and (n) of this section, the Director may notify a permit applicant before a draft permit is issued under §124.6 that the draft permit will likely contain limitations which are eligible for variances. In the notice the Director may require the applicant as a condition of consideration of any potential variance request to submit a request explaining how the requirements of part

125 applicable to the variance have been met and may require its submission within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon final grant of the variance.

40 CFR 122.21(o)(2).

(2) A discharger who cannot file a timely complete request required under paragraph (m)(2)(i)(B) or (m)(2)(ii) of this section may request an extension. The extension may be granted or denied at the discretion of the Director. Extensions shall be no more than 6 months in duration.

40 CFR 122.21(p)

(p) Recordkeeping. Except for information required by paragraph (d)(3)(ii) of this section, which shall be retained for a period of at least five years from the date the application is signed (or longer as required by 40 CFR part 503), applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this section for a period of at least 3 years from the date the application is signed.

[Note 1: At 46 FR 2046, Jan. 8, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to coal mines. This revision continues that suspension.]1

[Note 2: At 46 FR 22585, April 20, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to:

- a. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (subpart C—Low water use processing of 40 CFR part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.
- b. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (subpart B of 40 CFR part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.
- c. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

This revision continues that suspension.]1

[Note 3: At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to:

- a. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (subpart D) and Rosin-Based Derivatives Subcategory (subpart F) of the Gum and Wood Chemicals industry (40 CFR part 454), and testing and reporting for the pesticide and base-neutral fractions in all other subcategories of this industrial category.
- b. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.
- c. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.
- d. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (subparts J and U) of the Pulp and Paper industry (40 CFR part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (subpart Q), Dissolving Kraft (subpart F), and Paperboard from Waste Paper (subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (subpart H), Semi-Chemical (subparts B and C), and Nonintegrated-Fine Papers (subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (subpart I), Dissolving Sulfite Pulp (subpart K), Groundwood-Fine Papers (subpart O), Market Bleached Kraft (subpart G), Tissue from Wastepaper (subpart T), and Nonintegrated-Tissue Papers (subpart S).
- e. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process waste streams of the Steam Electric Power Plant industrial category. [This revision continues that suspension.]¹

[Editor's note: Forms 1, 2d, and 2e referenced in the following Appendix are published at the end of this regulation.]

¹ Editorial Note: The words "This revision" refer to the document published at 48 FR 14153, April 1, 1983.

40 CFR 122.22 Signatories to permit applications and reports (applicable to State programs, see §123.25).

40 CFR 122.22(a)

(a) Applications. All permit applications shall be signed as follows:

40 CFR 122.22(a)(1)

(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 employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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 §122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under §122.22(a)(1)(ii) rather than to specific individuals.

40 CFR 122.22(a)(2)

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

40 CFR 122.22(a)(3)

(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).

40 CFR 122.22(b)

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

40 CFR 122.22(b)(1)

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

40 CFR 122.22(b)(2)

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

40 CFR 122.22(b)(3)

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

40 CFR 122.22(c)

(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.

40 CFR 122.22(d)

(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."

[Editor's note: The authority for §122.22 is the Clean Water Act (33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S. C. 300f et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.)]

40 CFR 122.41 Conditions applicable to all permits.

The following conditions apply to all NPDES permits. Additional conditions applicable to NPDES permits are in §122.42. All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

40 CFR 122.41(a)

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

40 CFR 122.41(a)(1)

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act 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 establish 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.

40 CFR 122.41(a)(2)

(2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. 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, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the 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.

40 CFR 122.41(a)(3)

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. 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.

40 CFR 122.41(b)

(b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

40 CFR 122.41(c)

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

40 CFR 122.41(d)

(d) Duty to mitigate. 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.

40 CFR 122.41(e)

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

40 CFR 122.41(f)

(f) Permit actions. 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.

40 CFR 122.41(g)

(g) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

40 CFR 122.41(h)

(h) Duty to provide information. 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.

40 CFR 122.41(i)

(i) Inspection and entry. 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:

40 CFR 122.41(i)(1)

(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;

40 CFR 122.41(i)(2)

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

40 CFR 122.41(i)(3)

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

40 CFR 122.41(i)(4)

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

40 CFR 122.41(j)

(j) Monitoring and records.

40 CFR 122.41(j)(1)

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

40 CFR 122.41(j)(2)

(2) 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 part 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.

40 CFR 122.41(j)(3)

(3) Records of monitoring information shall include:

40 CFR 122.41(j)(3)(i)

(i) The date, exact place, and time of sampling or measurements;

40 CFR 122.41(j)(3)(ii)

(ii) The individual(s) who performed the sampling or measurements;

40 CFR 122.41(j)(3)(iii)

(iii) The date(s) analyses were performed;

40 CFR 122.41(j)(3)(iv)

(iv) The individual(s) who performed the analyses;

40 CFR 122.41(j)(3)(v)

(v) The analytical techniques or methods used; and

40 CFR 122.41(j)(3)(vi)

(vi) The results of such analyses.

40 CFR 122.41(j)(4)

(4) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.

40 CFR 122.41(j)(5)

(5) The Clean Water 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.

40 CFR 122.41(k)

(k) Signatory requirement.

40 CFR 122.41(k)(1)

(1) All applications, reports, or information submitted to the Director shall be signed and certified. (See §122.22)

40 CFR 122.41(k)(2)

(2) 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.

40 CFR 122.41(l)

(l) Reporting requirements.

40 CFR 122.41(l)(1)

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

40 CFR 122.41(l)(1)(i)

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

40 CFR 122.41(l)(1)(ii)

(ii) 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 §122.42(a)(1).

40 CFR 122.41(l)(1)(iii)

(iii) 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;

40 CFR 122.41(l)(2)

(2) 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.

40 CFR 122.41(l)(3)

(3) 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 Clean Water Act. (See §122.61; in some cases, modification or revocation and reissuance is mandatory.)

40 CFR 122.41(l)(4)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

40 CFR 122.41(l)(4)(i)

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

40 CFR 122.41(l)(4)(ii)

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

40 CFR 122.41(l)(4)(iii)

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

40 CFR 122.41(l)(5)

(5) 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.

40 CFR 122.41(l)(6)

(6) Twenty-four hour reporting.

40 CFR 122.41(l)(6)(i)

(i) 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 written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written 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.

40 CFR 122.41(l)(6)(ii)

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

40 CFR 122.41(l)(6)(ii)(A)

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g)).

40 CFR 122.41(l)(6)(ii)(B)

(B) Any upset which exceeds any effluent limitation in the permit.

40 CFR 122.41(l)(6)(ii)(C)

(C) 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 §122.44(g).)

40 CFR 122.41(l)(6)(iii)

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.

40 CFR 122.41(l)(7)

(7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

40 CFR 122.41(l)(8)

(8) 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.

40 CFR 122.41(m)

(m) Bypass

40 CFR 122.41(m)(1)

(1) Definitions.

40 CFR 122.41(m)(1)(ii)

(ii) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

40 CFR 122.41(m)(1)(ii)

(ii) "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.

40 CFR 122.41(m)(2)

(2) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(3) and (m)(4) of this section.

40 CFR 122.41(m)(3)

(3) Notice

40 CFR 122.41(m)(3)(i)

(i) 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.

40 CFR 122.41(m)(3)(ii)

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

40 CFR 122.41(m)(4)

(4) Prohibition of bypass.

40 CFR 122.41(m)(4)(i)

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

40 CFR 122.41(m)(4)(i)(A)

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

40 CFR 122.41(m)(4)(i)(B)

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied 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 preventive maintenance; and

40 CFR 122.41(m)(4)(i)(C)

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

40 CFR 122.41(m)(4)(ii)

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

40 CFR 122.41(n)

(n) Upset

40 CFR 122.41(n)(1)

(1) 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 preventive maintenance, or careless or improper operation.

40 CFR 122.41(n)(2)

(2) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

40 CFR 122.41(n)(3)

(3) 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:

40 CFR 122.41(n)(3)(i)

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

40 CFR 122.41(n)(3)(ii)

(ii) The permitted facility was at the time being properly operated; and

40 CFR 122.41(n)(3)(iii)

(iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).

40 CFR 122.41(n)(3)(iv)

(iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

40 CFR 122.41(n)(4)

(4) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

Clean Water Act (33 U.S.C.1251 et seq.), Safe Drinking Water Act (42 U.S.C. 300f et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) [§122.41 amended at 58 FR 18015, April 7, 1993]

40 CFR 122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see Sec. 123.25).

The following conditions, in addition to those set forth in Sec. 122.41, apply to all NPDES permits within the categories specified below:

40 CFR 122.42(a)

(a) Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under Sec. 122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

40 CFR 122.42(a)(1)

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

40 CFR 122.42(a)(1)(i)

(i) One hundred micrograms per liter (100 ug/l);

40 CFR 122.42(a)(1)(ii)

(ii) 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;

40 CFR 122.42(a)(1)(iii)

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Sec. 122.21(g)(7); or

40 CFR 122.42(a)(1)(iv)

(iv) The level established by the Director in accordance with Sec. 122.44(f).

40 CFR 122.42(a)(2)

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

40 CFR 122.42(a)(2)(i)

(i) Five hundred micrograms per liter (500 ug/l);

40 CFR 122.42(a)(2)(ii)

(ii) One milligram per liter (1 mg/l) for antimony;

40 CFR 122.42(a)(2)(iii)

(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Sec. 122.21(g)(7).

40 CFR 122.42(a)(2)(iv)

(iv) The level established by the Director in accordance with Sec. 122.44(f).

40 CFR 122.42(b)

(b) Publicly owned treatment works. All POTWs must provide adequate notice to the Director of the following:

40 CFR 122.42(b)(1)

(1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and

40 CFR 122.42(b)(2)

(2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

40 CFR 122.42(b)(3)

(3) For purposes of this paragraph, adequate notice shall include information on

40 CFR 122.42(b)(3)(i)

(i) the quality and quantity of effluent introduced into the POTW, and

40 CFR 122.42(b)(3)(ii)

(ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

40 CFR 122.42(c)

(c) Municipal separate storm sewer systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Director under Sec. 122.26(a)(1)(v) of this part must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:

40 CFR 122.42(c)(1)

(1) The status of implementing the components of the storm water management program that are established as permit conditions;

40 CFR 122.42(c)(2)

(2) Proposed changes to the storm water management programs that are established as permit condition. Such proposed changes shall be consistent with Sec. 122.26(d)(2)(iii) of this part; and

40 CFR 122.42(c)(3)

(3) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under Sec. 122.26(d)(2)(iv) and (d)(2)(v) of this part;

40 CFR 122.42(c)(4)

(4) A summary of data, including monitoring data, that is accumulated throughout the reporting year;

40 CFR 122.42(c)(5)

(5) Annual expenditures and budget for year following each annual report;

40 CFR 122.42(c)(6)

(6) A summary describing the number and nature of enforcement actions, inspections, and public education programs;

40 CFR 122.42(c)(7)

(7) Identification of water quality improvements or degradation;

40 CFR 122.42(d)

(d) Storm water discharges. The initial permits for discharges composed entirely of storm water issued pursuant to Sec. 122.26(e)(7) of this part shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

40 CFR 122.61 Transfer of permits (applicable to State programs, see §123.25).

40 CFR 122.61(a)

(a) 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 §122.62(b)(2)), or a minor modification made (under §122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

40 CFR 122.61(b)

(b) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

40 CFR 122.61(b)(1)

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;

40 CFR 122.61(b)(2)

(2) 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

40 CFR 122.61(b)(3)

(3) 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 §122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

40 CFR 122.62 Modification or revocation and reissuance of permits (applicable to State programs, see §123.25).

When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see §122.41), receives a request for modification or revocation and reissuance under §124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of §124.5(c), and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See §124.5(c) (2). If cause does not exist under this section or §122.63, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in

§122.63 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed.

40 CFR 122.62(a)

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits except when the permittee requests or agrees.

40 CFR 122.62(a)(1)

(1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity (including a change or changes in the permittee's sludge use or disposal practice) which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

NOTE: Certain reconstruction activities may cause the new source provisions of §122.29 to be applicable.

40 CFR 122.62(a)(2)

(2) Information. The Director has received new information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For NPDES general permits (§122.28) this cause includes any information indicating that cumulative effects on the environment are unacceptable. For new source or new discharger NPDES permits §§122.21, 122.29), this cause shall include any significant information derived from effluent testing required under §122.21(k)(5)(vi) or §122.21(h)(4)(iii) after issuance of the permit.

40 CFR 122.62(a)(3)

(3) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

40 CFR 122.62(a)(3)(i)

(i) For promulgation of amended standards or regulations, when:

40 CFR 122.62(a)(3)(i)(A)

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved or promulgated water quality standards, or the Secondary Treatment Regulations under part 133; and

40 CFR 122.62(a)(3)(i)(B)

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a State action with regard to a water quality standard on which the permit condition was based; and

40 CFR 122.62(a)(3)(i)(C)

(C) A permittee requests modification in accordance with §124.5 within ninety (90) days after FEDERAL REGISTER notice of the action on which the request is based.

40 CFR 122.62(a)(3)(ii)

(ii) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with §124.5 within ninety (90) days of judicial remand.

40 CFR 122.62(a)(3)(iii)

(iii) For changes based upon modified State certifications of NPDES permits, see §124.55(b).

40 CFR 122.62(a)(4)

(4) Compliance schedules. The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may an NPDES compliance schedule be modified to extend beyond an applicable CWA statutory deadline. See also §122.63(c) (minor modifications) and paragraph (a)(14) of this section (NPDES innovative technology).

40 CFR 122.62(a)(5)

(5) When the permittee has filed a request for a variance under CWA section 301(c), 301(g), 301(h), 301(i), 301(k), or 316(a) or for "fundamentally different factors" within the time specified in §122.21 or §125.27(a).

40 CFR 122.62(a)(6)

(6) 307(a) Toxics. When required to incorporate an applicable 307(a) toxic effluent standard or prohibition (see §122.44(b)).

40 CFR 122.62(a)(7)

(7) Reopener. When required by the "reopener" conditions in a permit, which are established in the permit under §122.44(b) (for CWA toxic effluent limitations and standards for sewage sludge use or disposal, see also §122.44(c)) or 40 CFR 403.10(e) (pretreatment program).

40 CFR 122.62(a)(8)

(8)(i) Net limits. Upon request of a permittee who qualifies for effluent limitations on a net basis under §122.45(h).

40 CFR 122.62(a)(8)(ii)

(ii) When a discharger is no longer eligible for net limitations, as provided in §122.45(h)(1)(ii)(B).

40 CFR 122.62(a)(9)

(9) Pretreatment. As necessary under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program).

40 CFR 122.62(a)(10)

(10) Failure to notify. Upon failure of an approved State to notify, as required by section 402(b)(3), another State whose waters may be affected by a discharge from the approved State.

40 CFR 122.62(a)(11)

(11) Non-limited pollutants. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under §125.3(c).

40 CFR 122.62(a)(12)

(12) Notification levels. To establish a "notification level" as provided in §122.44(f).

40 CFR 122.62(a)(13)

(13) Compliance schedules. To modify a schedule of compliance to reflect the time lost during construction of an innovative or alternative facility, in the case of a POTW which has received a grant under section 202(a)(3) of CWA for 100% of the costs to modify or replace facilities constructed with a grant for innovative and alternative wastewater technology under section 202(a)(2). In no case shall the compliance schedule be modified to extend beyond an applicable CWA statutory deadline for compliance.

40 CFR 122.62(a)(14)

(14) [Reserved] [§122.62(a)(14) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.62(a)(15)

(15) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.

40 CFR 122.62(a)(16)

(16) When the discharger has installed the treatment technology considered by the permit writer in setting effluent limitations imposed under section 402(a)(1) of the CWA and has

properly operated and maintained the facilities but nevertheless has been unable to achieve those effluent limitations. In this case, the limitations in the modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by a subsequently promulgated effluent limitations guideline).

40 CFR 122.62(a)(17)

(17) [Reserved] [§122.62(a)(17) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.62(a)(18)

(18) Land application plans. When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.

40 CFR 122.62(b)

(b) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

40 CFR 122.62(b)(1)

(1) Cause exists for termination under §122.64, and the Director determines that modification or revocation and reissuance is appropriate.

40 CFR 122.62(b)(2)

(2) The Director has received notification (as required in the permit, see §122.41(l)(3)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§122.61(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

[Editor's note: The authority for §122.62 is the Clean Water Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.)]

40 CFR 122.63 Minor modifications of permits.

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 part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with part 124 draft permit and public notice as required in §122.62. Minor modifications may only:

40 CFR 122.63(a)

(a) Correct typographical errors;

40 CFR 122.63(b)

(b) Require more frequent monitoring or reporting by the permittee;

40 CFR 122.63(c)

(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

40 CFR 122.63(d)

(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.

40 CFR 122.63(e)

(e)(1) 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 §122.29.

40 CFR 122.63(e)(2)

(2) 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.

40 CFR 122.63(f)

(f) [Reserved] [§122.63(f) removed and reserved at 60 FR 33931, June 29, 1995]

40 CFR 122.63(g)

(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.

40 CFR 122.64 Termination of permits (applicable to State programs, see §123.25).

40 CFR 122.64(a)

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

40 CFR 122.64(a)(1)

(1) Noncompliance by the permittee with any condition of the permit;

40 CFR 122.64(a)(2)

(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;

40 CFR 122.64(a)(3)

(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

40 CFR 122.64(a)(4)

(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).

40 CFR 122.64(b)

(b) The Director shall follow the applicable procedures in part 124 or State procedures in terminating any NPDES permit under this section.

ATTACHMENT NO. 4

STANDARD PROVISIONS

1. *Review and revision of permit:* Upon application by any affected person, or on its own motion, the SDRWQCB may review and revise this permit. [CWC 13263(e); also see Provision F.4.f, detailed in Attachment 3]
2. *Termination or modification of permit:* This permit may be terminated or modified for causes, including, but not limited to, all of the following:
 - (a) Violation of any condition contained in this permit.
 - (b) Obtaining this permit by misrepresentation, or failure to disclose fully all relevant facts.
 - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. [CWC 13381; also see Provision F.4.h, detailed in Attachment 3]
3. *Material change:* Not less than 180 days prior to any material change in the character, location, volume, or amount of waste discharge, the Discharger shall submit a technical report describing such changes. Such changes include but are not limited to the following:
 - (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
 - (b) Significant change in disposal method, e.g., change from land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
 - (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
 - (d) Increase in flow beyond that specified in the waste discharge requirements.
 - (e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CWC 13372, 13376, 13264, 23 CCR 2210]
 - (f) Any substantial change in the amount or characteristics of pollutants used, handled, stored, or generated.

- (g) Any new discharge of pollutants or new potential pollutant source.
 - (h) Other circumstances which could result in a material change in the character, amount, or location of discharges. [CWC 13372, 13264, 23 CCR 2210]
4. *Transfers*: When this permit is transferred to a new owner or operator, such requirements as may be necessary under the California Water Code may be incorporated into this permit. (Also see Provision F.4.e, detailed in Attachment 3)
 5. *Conditions not stayed*: The filing of a request by the Discharger for modification, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.
 6. *Monitoring and Reporting Program*: The Discharger shall conduct monitoring and submit reports in accordance with Monitoring and Reporting Program (MRP) No. 2000-12. Monitoring results shall be reported at the intervals specified in MRP No. 2000-12. [CWC 13267 & 13383, 23 CCR 2230, 40 CFR 122.43(a), 122.44(l)(4), 122.48]
 7. *Availability*: A copy of this Order shall be kept at a readily accessible location and shall be available to on-site personnel at all times.
 8. *Duty to minimize or correct adverse impacts*: The Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
 9. *Responsibilities, liabilities, legal action, penalties*: The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385, 13387]

Nothing in this Order shall be construed to protect the Discharger from its liabilities under federal, state, or local laws.

Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the Discharger from civil or criminal penalties for noncompliance.

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

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the CWA.

10. *Noncompliance:* Any noncompliance with this permit constitutes violation of the California Water Code and is grounds for denial of an application for permit modification. (Also see 40 CFR 122.41 (a) in Attachment 3)
11. *Discharge is a privilege:* No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights. [CWC 13263(g)]
12. *Permittee:* For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "Discharger" used elsewhere in this permit.
13. *Director:* For the purposes of this permit, the term "Director" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "SDRWQCB" used elsewhere in this permit, except that in 40 CFR 122.41(h) & (I), "Director" shall mean "SDRWQCB, SWRCB, and USEPA."
14. *Effective date:* This Order shall become effective ten days after the date of its adoption provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
15. *Expiration:* This Order expires February 9, 2005. [40 CFR 122.43, 122.44(h), 122.46]
16. *Continuation of expired permit:* After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with. [40 CFR 122.6, 23 CCR 2235.4]
17. *Applications:* Any application submitted by the Discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
18. *Confidentiality:* Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the offices of the SDRWQCB.
19. *Severability:* The provisions of this order are severable, and if any provision of this order, or the application of any provisions of this order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this order shall not be affected thereby.

20. *Discharge Monitoring Quality Assurance (DMQA) Program:* The Discharger shall conduct appropriate analyses on any sample provided by EPA as part of the DMQA program. The results of such analyses shall be submitted to EPA's DMQA manager. [SWRCB/USEPA 106 MOA]
21. *Pollution, Contamination, Nuisance:* The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.
22. *Additional Reporting Requirements:* [40 CFR 122.42(a)] In addition to the reporting requirements under Attachment 3 [40 CFR 122.41 (I)], all existing manufacturing, commercial, mining, and silvicultural discharges must notify the SDRWQCB as soon as they know or have reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, of that discharge will 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) The level established by the SDRWQCB in accordance with 40 CFR 122.44(f).
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (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).
 - (d) The level established by the SDRWQCB in accordance with 40 CFR 122.44(f).

23. *Report Submittal:* Reports and other documents required under this Order to be submitted to the Regional Board office shall be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, California 92124-1324
Phone - (858) 467-2952
Fax - (858) 571-6972

ATTACHMENT NO. 5

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CONTACT INFORMATION

Executive Officer
North Coast Regional Water
Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Executive Officer
Central Coast Regional Water
Quality Control Board
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401

Executive Officer
Los Angeles Regional Water
Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Executive Officer
Central Valley Regional Water Quality
Control Board
3443 R  utier Road
Sacramento, CA 95827-3098

Assistant Executive Officer
Central Valley Regional Water Quality
Control Board, Fresno Branch Office
3614 East Ashlan Avenue
Fresno, CA 93726

Assistant Executive Officer
Central Valley Regional Water Quality
Control Board, Redding Branch Office
415 Knollcrest Street
Redding, CA 96002

Executive Officer
Lahontan Regional Water Quality
Control Board, Victorville Office
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Executive Officer
Santa Ana Regional Water Quality
Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Executive Officer
Colorado River Basin Regional Water
Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Executive Officer
San Diego Regional Water Quality
Control Board
9771 Clairemont Mesa Boulevard., Suite A
San Diego, CA 92124-1331