

IOWA DEPARTMENT OF NATURAL RESOURCES
National Pollutant Discharge Elimination System (NPDES) Permit

OWNER NAME & ADDRESS

CITY OF CLARENCE
PO BOX 418
CLARENCE, IA 52216

FACILITY NAME & ADDRESS

CLARENCE CITY OF STP
NORTH OF RR CROSSING WHERE
1ST AVE BECOMES PLUM AVE
CLARENCE, IA 52216

Section 22, T82N, R02W
Cedar County

IOWA NPDES PERMIT NUMBER: 1630001
DATE OF ISSUANCE:
DATE OF EXPIRATION:

**YOU ARE REQUIRED TO FILE FOR RENEWAL
OF THIS PERMIT BY:**
EPA NUMBER: IA0027201

This permit is issued pursuant to the authority of section 402(b) of the Clean Water Act (33 U.S.C. 1342(b)), Iowa Code section 455B.174, and rule 567 Iowa Administrative Code 60.4. You are authorized to operate the disposal system and to discharge the pollutants specified in this permit in accordance with the effluent limitations, monitoring requirements and other terms set forth in this permit.

Pursuant to rule 561 IAC 7.4, you may appeal any condition of this permit by filing a written notice of appeal and request for administrative hearing with the director of the department within 30 days of permit issuance.

Any existing, unexpired Iowa operation permit or Iowa NPDES permit previously issued by the department for the facility identified above is revoked by the issuance of this permit. This provision does not apply to any authorization to discharge under the terms and conditions of a general permit issued by the department or to any permit issued exclusively for the discharge of stormwater.

FOR THE DEPARTMENT OF NATURAL RESOURCES

By _____

Ryan Olive
NPDES Section, Environmental Services Division

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Outfall No.: 001 CONTROLLED DISCHARGE FROM A 4-CELL WASTE STABILIZATION LAGOON TREATMENT FACILITY

Receiving Stream: MILL CREEK

Route of Flow: MILL CREEK

Class A2 waters are secondary contact recreational use waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. During the recreational use, the probability of ingesting appreciable quantities of water is minimal. Class A2 uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity.

Waters designated Class B(WW2) are those in which flow or other physical characteristics are capable of supporting a resident aquatic community that includes a variety of native nongame fish and invertebrate species. The flow and other physical characteristics limit the maintenance of warm water game fish populations. These waters generally consist of small perennially flowing streams.

Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Effluent Limitations:

You are prohibited from discharging pollutants except in compliance with the following effluent limitations:

The following dates are approximate while Permit is in Draft

001 CONTROLLED DISCHARGE FROM A 4-CELL WASTE STABILIZATION LAGOON TREATMENT FACILITY

<i>Outfall: 001 Effective Dates: Permit Issue Date to Permit Expire Date</i>			
<u>Parameter</u>	<u>Season</u>	<u>Limit Type</u>	<u>Limits</u>
CBOD5		85% Removal Required	
	Yearly	7 Day Average	40 MG/L
	Yearly	30 Day Average	25 MG/L
TOTAL SUSPENDED SOLIDS			
	Yearly	7 Day Average	120 MG/L
	Yearly	30 Day Average	80 MG/L
PH			
	Yearly	Daily Maximum	9.0 STD UNITS
	Yearly	Daily Minimum	6.5 STD UNITS

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Outfall: 001 Effective Dates: 11/01/2031 to 11/30/2031				
Parameter	Season	Limit Type	Limits	
AMMONIA NITROGEN (N)				
	JAN	30 Day Average	3.5 MG/L	66.4 LBS/DAY
	JAN	Daily Maximum	19.9 MG/L	377.5 LBS/DAY
	FEB	30 Day Average	4.1 MG/L	77.0 LBS/DAY
	FEB	Daily Maximum	8.4 MG/L	159.7 LBS/DAY
	MAR	30 Day Average	3.5 MG/L	66.4 LBS/DAY
	MAR	Daily Maximum	3.9 MG/L	73.8 LBS/DAY
	APR	30 Day Average	2.0 MG/L	37.2 LBS/DAY
	APR	Daily Maximum	4.8 MG/L	90.1 LBS/DAY
	MAY	30 Day Average	2.2 MG/L	42.5 LBS/DAY
	MAY	Daily Maximum	3.2 MG/L	61.6 LBS/DAY
	JUN	30 Day Average	1.7 MG/L	32.0 LBS/DAY
	JUN	Daily Maximum	3.2 MG/L	61.6 LBS/DAY
	JUL	30 Day Average	1.0 MG/L	19.6 LBS/DAY
	JUL	Daily Maximum	3.2 MG/L	60.9 LBS/DAY
	AUG	30 Day Average	1.0 MG/L	18.6 LBS/DAY
	AUG	Daily Maximum	2.7 MG/L	50.4 LBS/DAY
	SEP	30 Day Average	1.1 MG/L	20.6 LBS/DAY
	SEP	Daily Maximum	2.7 MG/L	50.4 LBS/DAY
	OCT	30 Day Average	1.7 MG/L	33.0 LBS/DAY
	OCT	Daily Maximum	2.7 MG/L	50.6 LBS/DAY
	NOV	30 Day Average	2.6 MG/L	49.2 LBS/DAY
	NOV	Daily Maximum	2.7 MG/L	50.6 LBS/DAY
	DEC	30 Day Average	2.8 MG/L	52.5 LBS/DAY
	DEC	Daily Maximum	3.9 MG/L	74.0 LBS/DAY

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Monitoring and Reporting Requirements

(a) Samples and measurements taken shall be representative of the volume and nature of the monitored wastewater.

(b) Analytical and sampling methods specified in 40 CFR Part 136 or other methods approved in writing by the department shall be utilized. All effluent samples for which a limit applies must be analyzed using sufficiently sensitive methods (i.e. testing procedures) approved under 567 IAC Chapter 63 and 40 CFR Part 136 for the analysis of pollutants or pollutant parameters or as required under 40 CFR chapter I, subchapter N or O.

For the purposes of this paragraph, an approved method is sufficiently sensitive when:

- (1) the method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or
- (2) the method has the lowest ML of the approved analytical methods for the measured pollutant or pollutant parameter.

Samples collected for operational testing need not be analyzed by approved analytical methods; however, commonly accepted test methods should be used.

(c) You are required to report all data including calculated results needed to determine compliance with the limitations contained in this permit. The results of any monitoring not specified in this permit performed at the compliance monitoring point and analyzed according to 40 CFR Part 136 shall be included in the calculation and reporting of any data submitted in accordance with this permit. This includes daily maximums and minimums, 30-day averages and 7-day averages for all parameters that have concentration (mg/l) and mass (lbs/day) limits. In addition, flow data shall be reported in million gallons per day (MGD).

(d) Records of monitoring activities and results shall include for all samples: the date, exact place and time of the sampling; the dates the analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(e) Results of all monitoring shall be recorded on forms provided by, or approved by, the department, and shall be submitted to the appropriate regional field office of the department by the fifteenth day following the close of the reporting period. Your reporting period is on a MONTHLY basis, ending on the last day of each reporting period.

(f) Operational performance monitoring for treatment unit process control shall be conducted to ensure that the facility is properly operated in accordance with its design. The results of any operational performance monitoring need not be reported to the department, but shall be maintained in accordance with rule 567 IAC 63.2 (455B). The results of any operational performance monitoring specified in this permit shall be submitted to the department in accordance with these reporting requirements.

(g) Chapter 63 of the rules provides you with further explanation of your monitoring requirements.

All dates are approximate while Permit is in Draft

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Outfall	Wastewater Parameter	Sample Frequency	Sample Type	Monitoring Location
The following monitoring requirements shall be in effect from Permit Issue Date to Permit Expire Date				
001	BIOCHEMICAL OXYGEN DEMAND (BOD5)	1 EVERY 3 MONTHS	24 HOUR COMPOSITE	RAW WASTE
001	FLOW	7/WEEK OR DAILY	24 HOUR TOTAL	RAW WASTE
001	PH	1 EVERY 3 MONTHS	GRAB	RAW WASTE
001	TOTAL SUSPENDED SOLIDS	1 EVERY 3 MONTHS	24 HOUR COMPOSITE	RAW WASTE
001	CBOD5	PRIOR TO DISCHARGE	GRAB	PRE-DISCHARGE SAMPLE
001	TOTAL SUSPENDED SOLIDS	PRIOR TO DISCHARGE	GRAB	PRE-DISCHARGE SAMPLE
001	AMMONIA NITROGEN (N)	TWICE PER DRAWDOWN	GRAB	FINAL EFFLUENT
001	CBOD5	TWICE PER DRAWDOWN	GRAB	FINAL EFFLUENT
001	E. COLI	TWICE PER DRAWDOWN	GRAB	FINAL EFFLUENT
001	FLOW	DAILY DURING DRAWDOWN	INSTANTANEOUS	FINAL EFFLUENT
001	PH	1/WEEK DURING DRAWDOWN	GRAB	FINAL EFFLUENT
001	TOTAL SUSPENDED SOLIDS	TWICE PER DRAWDOWN	GRAB	FINAL EFFLUENT
001	CELL DEPTH	2 TIMES PER WEEK	MEASUREMENT	CELL 4 CONTENTS
001	CELL DEPTH	2 TIMES PER WEEK	MEASUREMENT	CELL 3 CONTENTS
001	CELL DEPTH	2 TIMES PER WEEK	MEASUREMENT	CELL 2 CONTENTS
001	CELL DEPTH	2 TIMES PER WEEK	MEASUREMENT	CELL 1 CONTENTS

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Special Monitoring Requirements

Outfall # Description

001 CBOD5

If the CBOD5 sample is taken post disinfection, the sample must be seeded at the laboratory prior to analysis.

E. COLI

If the effluent has been disinfected using chlorine, ultraviolet light (UV), or any other process intended to disrupt the biological integrity of the E. coli, the samples shall be analyzed using the Most Probable Number method found in Standard Method 9223B (Colilert® or Colilert-18® made by IDEXX Laboratories, Inc.). If the effluent has not been disinfected the samples may be analyzed using either the MPN method above or EPA Method 1603: Escherichia coli (E. coli) in water by membrane filtration using modified membrane-thermotolerant E. coli agar (modified mTEC) or mColiBlue-24® made by the Hach Company.

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Design Capacity

Design: 1

The design capacity for the treatment works is specified in Construction Permit Number 95-370-S, issued September 18, 1995. The treatment plant is designed to treat:

- * An average dry weather (ADW) flow of 0.140 Million Gallons Per Day (MGD).
- * An average wet weather (AWW-180) flow of 0.2274 Million Gallons Per Day (MGD).
- * A maximum wet weather (MWW) flow of 0.414 Million Gallons Per Day (MGD).
- * A design 5-day biochemical oxygen demand (BOD5) load of 243 lbs/day.

Operator Certification Type/Grade: WL/IL

Wastes in such volumes or quantities as to exceed the design capacity of the treatment works or reduce the effluent quality below that specified in the operation permit of the treatment works are considered to be a waste which interferes with the operation or performance of the treatment works and are prohibited by subrule 567 IAC 62.1(4).

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

SEWAGE SLUDGE HANDLING AND DISPOSAL REQUIREMENTS

"Sewage sludge" is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge does not include the grit and screenings generated during preliminary treatment.

1. The permittee shall comply with all existing Federal and State laws and regulations that apply to the use and disposal of sewage sludge and with technical standards developed pursuant to Section 405(d) of the Clean Water Act when such standards are promulgated. If an applicable numerical limit or management practice for pollutants in sewage sludge is promulgated after issuance of this permit that is more stringent than a sludge pollutant limit or management practice specified in existing Federal or State laws or regulations, this permit shall be modified, or revoked and reissued, to conform to the regulations promulgated under Section 405(d) of the Clean Water Act. The permittee shall comply with the limitation no later than the compliance deadline specified in the applicable regulations.
2. The permittee shall provide written notice to the Department of Natural Resources prior to any planned changes in sludge disposal practices.
3. Land application of sewage sludge shall be conducted in accordance with criteria established in chapter 567 IAC 67.

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

Controlled Discharge Lagoon Operation and Sampling Procedures

OPERATION REQUIREMENTS

Continuous discharge of wastewater from this facility is prohibited. The treatment plant must be operated using a storage/drawdown mode of operating. Wastewater must be stored for approximately 180 days after which time the water level is to be lowered to make room for the next storage period. Acceptable discharge periods are April 15th through June 15th and October 1st through December 21st. Lagoon drawdown shall occur during these periods except in emergency situations. The permittee is required to contact the local DNR Field Office and obtain prior approval if there is a need to discharge during other times of the year, when stream flows are low or if the effluent limitations specified in this permit will not be met. Lagoon drawdown at a rate greater than 10 times the 180 day AWW design flow is prohibited.

PRE-DISCHARGE SAMPLING

The permittee is responsible for complying with the limits contained in this permit. Therefore, a grab sample of the lagoon cell contents collected at a point near the outlet structure shall be analyzed at least two weeks prior to an anticipated discharge to demonstrate that the wastewater is of such quality to meet the effluent limitations in the permit. The permittee must have the sample analyzed for 5-day carbonaceous biochemical oxygen demand (CBOD5) and total suspended solids (TSS). The results must be compared with the 30-day average effluent limits. If the results are less than the 30-day average limits, the permittee may isolate the final cell and draw down the lagoon cell. If the pre-discharge sample results exceed the 30-day average effluent limits for either CBOD5 or TSS, the permittee must contact the local DNR Field Office for guidance before beginning to discharge.

Report pre-discharge sample results in the spaces provided on the monthly operation report form.

EFFLUENT SAMPLING

The permittee must collect and analyze a sample of the final effluent on the third day after discharge begins for all parameters for which monitoring of the final effluent is specified on the page titled MONITORING AND REPORTING REQUIREMENTS. Subsequent samples shall be taken at the specified frequencies. For final effluent samples that are required to be taken twice during drawdown, the first sample shall be taken the third day after the drawdown begins, and the second sample shall be taken between three (3) and five (5) days before the drawdown ends. Report the results on the discharge monitoring report (DMR) form in the columns provided for effluent monitoring. The results must be reported for the days the samples were collected, not for the days the sample results were received from the laboratory.

Revised: April 10, 2013

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

SIGNIFICANT INDUSTRIAL USER LIMITATIONS, MONITORING AND REPORTING REQUIREMENTS

1. You must enforce the pollutant limits for each significant industrial user that are listed elsewhere in this permit. Violation of a treatment agreement limit is prohibited by subrule 567 IAC 62.1(3). Monitoring of each significant industrial user is required elsewhere in this permit.
2. Monitoring of each significant industrial user is required elsewhere in this permit. Results of the required monitoring shall be included on your discharge monitoring report, which must be submitted by the fifteenth of the following month.
3. You are required to notify the department, in writing, of any of the following:
 - (a) 180 days prior to the introduction of pollutants to your facility from a significant industrial user. A significant industrial user means an industrial user of a treatment works that:
 - (1) Discharges an average of 25,000 gallons per day or more of process wastewater excluding sanitary, noncontact cooling and boiler blowdown wastewater;
 - (2) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the publicly-owned treatment works;
 - (3) Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
 - (4) Is designated by the department as a significant industrial user on the basis that the contributing industry, either singly or in combination with other contributing industries, has a reasonable potential for adversely affecting the operation of or effluent quality from the publicly-owned treatment works or for violating any pretreatment standards or requirements.
 - (b) 60 days prior to a proposed expansion, production increase or process modification that may result in the discharge of a new pollutant or a discharge in excess of limitations stated in the existing treatment agreement.
 - (c) 10 days prior to any commitment by you to accept waste from any new significant industrial user. Your written notification must include a new or revised treatment agreement in accordance with rule 60.3(3).
4. You shall require all users of your facility to comply with Sections 204(b), 307, and 308 of the Clean Water Act.
 - (a) Section 204(b) requires that all users of the treatment works constructed with funds provided under Sections 201(g) or 601 of the Act to pay their proportionate share of the costs of operation, maintenance and replacement of the treatment works.
 - (b) Section 307 of the Act requires users to comply with pretreatment standards promulgated by EPA for pollutants that would cause interference with the treatment process or would pass through the treatment works.
 - (c) Section 308 of the Act requires users to allow access at reasonable times to state and EPA inspectors for the purpose of sampling the discharge and reviewing and copying records.

Facility Name: CLARENCE CITY OF STP

Permit Number: 1630001

59 Month Ammonia Nitrogen Compliance Schedule

The facility shall meet the final limits for ammonia nitrogen listed on the limits pages of this permit according to the following schedule:

- The facility shall submit a compliance strategy by *[Insert date of 12 months from permit issuance]*. The compliance strategy must describe the steps the facility will take to comply with the final effluent limits as soon as possible, but no later than *[59 months from permit issuance date]*.
- The facility shall submit progress reports every 12 months until compliance with final effluent limits is achieved, with the first progress report due *[24 months from permit issuance date]*. The progress reports shall detail completion of the steps described in the compliance strategy.
- Achieve compliance with final effluent limits by *[Insert 59 months from permit issuance date]*.

Within fourteen (14) days following all dates of compliance, the permittee shall provide written notice of compliance with the scheduled event. All written notices and progress reports shall be sent to the following address:

Iowa Department of Natural Resources
DNR Field Office 6
1023 W. Madison
Washington, IA 52353

If it is determined that a construction project is needed to comply with the final effluent limits, the following is a **recommended timeline** to ensure project completion prior to the final compliance date:

- Complete a Self-Assessment Matrix and submit a Work Record Request form to DNR's Wastewater Engineering Section by **14 months from permit issuance**. The forms and instructions are available on the DNR website at <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Wastewater-Construction/Construction-Permits>, and forms should be submitted via email to wastewater-engineering@dnr.iowa.gov.
- Submit a Facility Plan by **26 months from permit issuance**. The Facility Plan shall be in accordance with Chapter 11.2 of the Iowa Wastewater Facilities Design Standards adopted April 25, 1979.
- Submit final plans and specifications by **41 months from permit issuance**.
- Begin construction of wastewater treatment improvements by **46 months from permit issuance**.
- Complete construction of wastewater treatment improvements by **58 months from permit issuance**.
- Achieve compliance with the final effluent limits by **59 months from permit issuance**.

STANDARD CONDITIONS

1. **ADMINISTRATIVE RULES** - Rules of the Iowa Department of Natural Resources (department) that govern the operation of a facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67, and 121. Reference to the term “rule” in this permit means the designated provision of Part 567 of the IAC. Reference to the term “CFR” means the Code of Federal Regulations.
2. **LIMIT DEFINITIONS** -
 - (a) 7-day average is the arithmetic mean (average) of pollutant parameter values for samples collected in a period of seven consecutive days. A calendar month consists of four 7-day periods with the first 7-day period beginning the first day of the month. *{40 CFR §133.101}*
 - (b) 30-day average is the arithmetic mean of pollutant parameter values for samples collected in a period of 30 consecutive days. A 30-day period begins the first day of the month. *{40 CFR §133.101}*
 - (c) Daily maximum is the total discharge by mass, volume, or concentration during a twenty-four hour period.
3. **MONITORING AND RECORDS OF OPERATION** -
 - (a) Electronic reporting. Operation records required by this permit shall be electronically submitted to the department within 15 days following the close of the monthly reporting period, in accordance with the monitoring requirements incorporated in this permit, unless an approval for paper submittal of operation records has been obtained in accordance with 567 IAC 63.7(2).
 - (b) Record maintenance. You shall retain, for a minimum of three years, all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. *{567 IAC 63.2(2) and 40 CFR §122.41(j)(2)}*
 - (c) 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 two years, or both. *{40 CFR §122.41(j)(5)}*
4. **USE OF CERTIFIED LABORATORIES** - Analyses of wastewater, groundwater or sewage sludge that are required to be submitted as a result of this permit must be performed by a laboratory certified by the State of Iowa. Routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, physical measurements, and operational performance monitoring specified in 567 IAC 63.3(4) are excluded from this requirement. *{567 IAC 63.1(3)}*
5. **DUTY TO PROVIDE INFORMATION** - You must furnish to the department, within a reasonable time, any information the department may request to determine compliance with this permit or determine whether cause exists for amending, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 60.3(6)“b”(1). You must also furnish to the department, upon request, copies of any records required to be kept by this permit. If you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. If you become aware that you failed to submit any relevant facts in any report to the department, including records of operation, you shall promptly submit such facts or information. *{567 IAC 60.3(2)“a”(3)“3,” 567 IAC 63.9(6), 40 CFR §122.41(h) and (l)}*
6. **DUTY TO REAPPLY AND PERMIT CONTINUATION** - If you wish to continue to discharge after the expiration date of this permit, you must file a complete application for reissuance at least 180 days prior to the expiration date of this permit. If a timely and sufficient application is submitted, this permit will remain in effect until the department makes a final determination on the permit application. *{567 IAC 60.3(2)“a”(2)“3” and 60.8(3), Iowa Code 17A.18}*
7. **DUTY TO COMPLY** - You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and the Clean Water Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Issuance of this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility. *{567 IAC 60.7(4), 40 CFR §122.41(a)}*
8. **DUTY TO MITIGATE** - You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. *{567 IAC 60.7(7)“k,” 40 CFR §122.41(d)}*
9. **PROPER OPERATION AND MAINTENANCE** - All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility, shall be retained at all times. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. *{567 IAC 60.7(7)“i,” 40 CFR §122.41(e)}*
10. **SIGNATORY REQUIREMENTS** - Applications, discharge monitoring reports, or other information submitted to the department in connection with this permit must be signed and certified in accordance with 40 CFR §122.22.
11. **TRANSFER OF TITLE OR OWNER ADDRESS CHANGE** - If title to your facility, or any part of it, is transferred, the new owner shall be subject to this permit. You are required to notify the new owner of the requirements of this permit in writing prior to any transfer of title. The department shall be notified in writing within 30 days of the occurrence. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer of title. Whenever the address of the owner is changed, the department shall be notified in writing within 30 days of the address change. *{567 IAC 60.12}*

STANDARD CONDITIONS

- 12. PERMIT MODIFICATION, SUSPENSION OR REVOCATION** - This permit may be amended, revoked and reissued, or terminated in whole or in part for cause including, but not limited to, those specified in 567 IAC 60.3(6) "c." This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would change the required effluent limits. If a toxic pollutant is present in your discharge and more stringent standards for toxic pollutants are established under Section 307(a) of the Clean Water Act, this permit will be modified in accordance with the new standards. The filing of a request for a permit amendment, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *{567 IAC 60.3(6), 60.7(7) "e" and "j," 40 CFR §122.62(a)(6)}*
- 13. TWENTY-FOUR HOUR REPORTING** - You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic in Section 307(a)(1) of the Clean Water Act) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the Act). Information shall be provided orally to the appropriate regional field office of the department within 24 hours from the time you become aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times; whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided to the appropriate field office within 5 days of the occurrence. *{567 IAC 63.9(1), 40 CFR §122.41(l)(6)}*
- 14. OTHER NONCOMPLIANCE** - You shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements. Notice is required only when previous notice has not been given to any other section of the department. You shall report all instances of noncompliance not reported under Condition #13 at the time discharge monitoring reports are submitted. The report shall contain the information listed in Condition #13. *{567 IAC 63.9(3) and (4), 40 CFR §122.41(l)(2) and (l)(7)}*
- 15. INSPECTION OF PREMISES, RECORDS, EQUIPMENT, METHODS AND DISCHARGES** - You are required to permit authorized personnel to:
- (a) Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this permit;
 - (b) Provide access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit; and
 - (d) Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act.
- {567 IAC 60.7(7) "f," 40 CFR §122.41(i)}*
- 16. NOTICE OF CHANGED CONDITIONS** - You are required to notify the department of any changes in existing conditions or information on which this permit is based, including, but not limited to, the following:
- (a) If your facility is a publicly owned treatment works (POTW) or otherwise accepts waste for treatment from an indirect discharger or industrial contributor, you must notify the department if there is any substantial change in the volume or character of pollutants being introduced to the POTW by an indirect discharger or industrial contributor. See 567 IAC 60.3(3) and 60.7(7) "g" for further requirements. *{40 CFR §122.42(b)}*
 - (b) If your facility has a manufacturing, commercial, mining, or silviculture discharge, you must notify the department as soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit. *{40 CFR §122.42(a)}*
 - (c) You must notify the department if you have begun or will begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant which was not reported in the permit application. *{40 CFR §122.21(g)(9)}*
- 17. PLANNED CHANGES** - You shall give notice to the appropriate regional field office of the department 30 days prior to any planned physical alterations or additions to the permitted facility. Facility expansions, production increases, or process modifications which result in new or increased discharges of pollutants must be reported by submission of a new permit application. If any modification of, addition to, or construction of a disposal system is to be made, you must first obtain a written construction permit from this department. In addition, no construction activity that will result in disturbance of one acre or more shall be initiated without first obtaining coverage under NPDES General Permit No. 2.
- Notice is required only when:
- (a) Notice has not been given to any other section of the department;
 - (b) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as defined in 455B.171(16) and 40 CFR §403.3(m);
 - (c) The alteration or addition results in a significant change in sludge use or disposal practices; or
 - (d) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.
- {567 IAC 63.9(2), 567 IAC 60.2 and 60.7(7) "b"}*
- 18. FAILURE TO SUBMIT FEES** - This permit may be revoked, in whole or in part, if the appropriate permit fees are not submitted by the due date specified in the notification that such fees are due. *{567 IAC 60.14(1)}*

STANDARD CONDITIONS

- 19. BYPASSES** - “Bypass” means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line. *{567 IAC 60.1(2)}*
- (a) Prohibition. Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited, in accordance with 567 IAC 63.6(1). The department may not assess a civil penalty against a permittee for a bypass if the permittee has complied with all of the following:
- i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup 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
 - iii. The permittee submitted notices as required by 567 IAC 63.6.
- (b) Anticipated bypass. Except for bypasses that occur as a result of mechanical failure or acts beyond the control of the owner or operator of a waste disposal system (unanticipated bypasses), the owner or operator shall obtain written permission from the department prior to any discharge of sewage or wastes from a waste disposal system not authorized by this permit. The department may approve an anticipated bypass after considering its adverse effects if the department determines that it will meet the three conditions listed above and a request for bypass has been submitted to the appropriate regional field office of the department at least ten days prior to the expected event, in accordance with the requirements in 567 IAC 63.6(2).
- (c) Unanticipated bypass. In the event that a bypass or upset occurs without prior notice having been provided pursuant to 567 IAC 63.6(2) or as a result of mechanical failure or acts beyond the control of the owner or operator, the owner or operator of the treatment facility or collection system shall notify the department by telephone as soon as possible but not later than 24 hours after the onset or discovery in accordance with the requirements in 567 IAC 63.6(3). A written submission describing the bypass shall also be provided within five days of the time the permittee becomes aware of the bypass, in accordance with the requirements in 567 IAC 63.6(3)“d.”
- (d) Reporting. Bypasses shall be reported in accordance with 567 IAC 63.6.
{567 IAC 63.6}
- 20. UPSETS** - “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.
- (a) Effect of an upset. An upset constitutes an affirmative defense to the assessment of a civil penalty for noncompliance with technology-based permit effluent limitations if the requirements of paragraph (b) of this condition 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.
- (b) Conditions necessary for demonstration of an upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed operating logs or other relevant evidence, that:
- i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated;
 - iii. The permittee submitted notice of the upset to the department in accordance with 567 IAC 63.6(3); and
 - iv. The permittee complied with any remedial measures required by the department in accordance with 567 IAC 63.6(4).
- (c) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
{40 CFR §122.41(n)}
- 21. 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. *{567 IAC 60.7(7)“i,” 40 CFR §122.41(c)}*
- 22. PROPERTY RIGHTS** - This permit does not convey any property rights of any sort or any exclusive privilege. *{40 CFR §122.41(g)}*
- 23. EFFECT OF A PERMIT** - 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 Clean Water Act, and equivalent limitations and standards set out in 567 IAC Chapters 61 and 62. *{567 IAC 60.4(3) and 40 CFR §122.5}*
- 24. SEVERABILITY** - The provisions of this permit are severable. If any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.