



KERR-McGEE CORPORATION

KERR-McGEE CENTER • OKLAHOMA CITY, OKLAHOMA 73125

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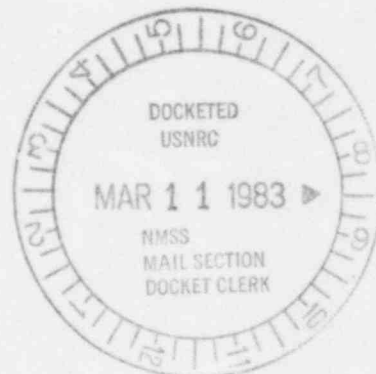
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ENVIRONMENT AND HEALTH MANAGEMENT DIVISION

CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 3, 1983

Mr. R. G. Page
Uranium Licensing Branch
Division of Fuel Cycle & Mat'l Safety, NMSS
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Re: SUB-1010, Docket 40-8027

Attn: Mr. Mark Rhodes

Dear Mr. Rhodes:

In accordance with your request a copy of the current NPDES Permit for the Sequoyah facility is attached.

As you suggested, the laboratory at Sequoyah took a sample of the fluoride sludge currently being produced, analyzed for total uranium and soluble uranium and treated the sludge with aluminum and subsequently analyzed for soluble uranium. The results are as follows:

Fluoride Sludge (as is)	Total uranium 320 ppm or 214 pCi/gm
Fluoride Sludge	Soluble uranium .8 ppm or .5 pCi/gm
Fluoride Sludge treated with aluminum compound	Soluble uranium less than .3 ppm
Fluoride Sludge treated with clay	Soluble uranium less than .3 ppm

In view of the amount of soluble uranium in the sludge we can see no justification for additional treatment with an aluminum containing compound.

Please let me if I can supply additional information.

FEE EXEMPT

Sincerely,

W. J. Shelley
W. J. Shelley, Vice President
Nuclear Licensing & Regulation

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PDR

WJS/ba

22029



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

December 23, 1982

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (P-333-852-399)

Mr. R. P. Luke
Vice President/Marketing
and Manufacturing
Kerr-McGee Corporation
P. O. Box 267
Gore, Oklahoma 74435

Re: Application to Discharge to Waters of the United States
NPDES Permit No. OK0000191

Dear Mr. Luke:

Enclosed is the public notice of the agency's final permit decision and a copy of our response to comments and the final permit. This public notice describes any substantial changes from the draft permit.

If you intend to request an evidentiary hearing, please follow the requirements outlined in the public notice of the draft permit.

Should you have any questions please feel free to contact the Permits Branch (6W-PS) at the above address or telephone (214) 767-4375.

Sincerely,

A handwritten signature in cursive script that reads "Myron O. Knudson".

Myron O. Knudson, P.E.
Director, Water Management Division

Enclosures

cc w/permit copy:
Oklahoma Water Resources Board

RECEIVED
1
ENVIRONMENTAL
MKT

Advertising Order Number 3T-3099-NALX
U.S. Environmental Protection Agency - Region 6
Public Notice of Final Permit Decision

December 25, 1982

This is to give notice that the U.S. Environmental Protection Agency, Region 6, has made a final permit decision and will issue the following One (1) Proposed Permit(s) under the National Pollutant Discharge Elimination System. The permit(s) will become effective 30 days from the date of this Public Notice. Any substantial changes from the Draft Permit are cited.

This issuance is based on a final staff review of the administrative record and comments received. A Response to Comments is available by writing to:

Mr. Mark Satterwhite
Permits Branch (6W-PS)
U.S. Environmental Protection Agency - Region 6
First International Building
1201 Elm Street
Dallas, Texas 75270
(214) 767-2765

Any person may request an Evidentiary Hearing on this final permit decision. However, the request must be submitted within 30 days from the date of this Notice. The request should be in accordance with the requirements of 40 CFR 124.74 (Fed. Reg. Vol. 45, No. 98, Monday, May 19, 1980). The original public notice contains the stay provisions of a granted evidentiary hearing request.

Further information including the administrative record may be viewed at the above address between 8 a.m. and 4:30 p.m., Monday thru Friday.

1. NPDES authorization to discharge to waters of the United States, permit No. OK0000191.

The applicant's mailing address is: Kerr-McGee Corporation
P. O. Box 267
Gore, Oklahoma 74435

The discharge from this existing facility is made into the Illinois River, thence to the headwaters of the Robert S. Kerr Reservoir on the Arkansas River, a water of the United States classified for public and private water supply, fish and wildlife propagation, agriculture, primary recreation, secondary recreation, aesthetics, small mouth bass, and trout fisheries. The discharge is located on that water at the confluence of the Illinois and Arkansas Rivers in Sequoyah County, Oklahoma. A fact sheet is available. Under the standard industrial classification (SIC) code 2819, the applicant's activities are the conversion of uranium ore concentrates into uranium hexafluoride.

There are no substantial changes from the draft permit.

Advertising Order Number 3T-3099-NALX
U.S. Environmental Protection Agency
Public Notice of Draft NPDES Permit(s)

December 25, 1982

This is to give notice that the U.S. Environmental Protection Agency, Region 6, has formulated a Draft Permit for the following facility (facilities) under the National Pollutant Discharge Elimination System. Development of the draft permit(s) was based on a preliminary staff review by EPA, Region 6, and consultation with the State of Oklahoma. The permit(s) will become effective within 30 days after the close of the comment period unless:

- a. The State of Oklahoma denies or requests an extension for certification prior to that date.
- b. Comments received prior to January 25, 1983 warrant a public notice of EPA's final permit decision.
- c. A public hearing is held requiring delay of the effective date.

EPA's contact person for submitting written comments, requesting information regarding the draft permit, and/or obtaining copies of the permit and the Statement of Basis or Fact Sheet is:

Mr. Mark Satterwhite
Permits Branch (6W-PS)
U.S. Environmental Protection Agency
First International Building
1201 Elm Street
Dallas, Texas 75270
(214) 767-2765

EPA's comments and public hearing procedures may be found at 40 CFR 124.10 and 124.12 (Federal Register volume 45, No. 98, Monday, May 19, 1980). The comment period during which written comments on the draft permit may be submitted extends for 30 days from the date of this Notice. During the comment period, any interested person may request a Public Hearing by filing a written request which must state the issues to be raised. A public hearing will be held when EPA finds a significant degree of public interest.

EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. A final permit decision means a final decision to issue, deny, modify, revoke or reissue, or terminate a permit. Any person may request an Evidentiary Hearing on the agency's final permit decision. However, the request must be submitted within 30 days of the date of the final permit decision and be in accordance with the requirements of 40 CFR 124.74. Any condition(s) contested in a request for an evidentiary hearing on an Existing Source may be stayed if the request for a hearing is granted. If any condition(s) contested in a request for an evidentiary hearing are granted on a New Source, New Discharger, or Recommencing Discharger the applicant shall be without a permit.

Further information including the administrative record may be viewed at the above address between 8 a.m. and 4:30 p.m., Monday thru Friday.

2A. NPDES authorization to discharge to waters of the United States, permit No. OK0026221.

The applicant's mailing address is: Water and Sewer Department
Northside Wastewater Treatment Plant
City of Tulsa
Tulsa, Oklahoma 74107

The discharge from this existing discharge is made into Mingo Creek and Bird Creek, a water of the United States classified for public and private water supply, fish and wildlife propagation, agriculture, cooling water, primary and secondary contact recreation, aesthetics. The discharge is located on that water at Outfall 001 latitude: 36 degrees, 14 minutes, 18 seconds; longitude: 95 degrees, 51 minutes, 10 seconds and Outfall 002 latitude: 36 degrees, 14 minutes, 20 seconds; Longitude: 95 degrees, 51 minutes, 10 seconds. A fact sheet is available. Under the standard industrial classification (SIC) code 4952, the applicant's activities are the existing discharge of municipal wastewater treatment operations.

The changes from the previously issued permit are:

The incorporation of the approved pretreatment program for the City of Tulsa, in accordance with 40 CFR 403.8(c).

Final determination of this permit will depend on the approval of the pretreatment program request for approval being concurrently public noticed. Upon approval, the City of Tulsa will be the control authority to which industrial users of the Tulsa wastewater treatment system must send all pretreatment compliance reports. For further information contact the City of Tulsa Water and Sewer Department at (918) 581-5574 or Thomas W. Mountz of the Environmental Protection Agency at (214) 767-4375.

Advertising Order No. 3T-3099-NALX
U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270
December 25, 1982

2B. Notice of Request for Approval of the City of Tulsa, Oklahoma
Industrial Pretreatment Program.

Applicant Name: City of Tulsa

Mailing Address: City of Tulsa
2317 South Jackson Avenue
Tulsa, Oklahoma 74107

The United States Environmental Protection Agency (EPA) promulgated the General Pretreatment Regulations (40 CFR 403) on June 26, 1978 and amended them on January 28, 1981. These regulations, mandated by the Clean Water Act [33 USC 1251 et. seq.], govern the control of industrial waste introduced to publicly owned sewage treatment plants.

Pursuant to the General Pretreatment Regulations, the applicant has submitted a request for approval of its industrial pretreatment program. The request for approval appears to comply with the requirements of 40 CFR 403.9 and is being public noticed by the EPA in accordance with 40 CFR 403.11.

A determination by the EPA to approve the request for pretreatment program authority will allow the applicant to regulate and enforce the discharge of pollutants into the treatment works and carry out inspections, surveillance, and monitoring to determine compliance or noncompliance with applicable pretreatment standards and requirements by industrial users.

Copies of the Program Submittal are available for inspection at the following locations:

U. S. Environmental Protection
Agency, Region VI
Municipal Permit Section (6W-PM)
1201 Elm Street
Dallas, Texas 75270

City of Tulsa
Water and Sewer Department
2317 South Jackson
Tulsa, Oklahoma 74107

Public comments on the proposed program should be submitted, in writing, within thirty (30) days, either in person or by mail, to the above EPA address. All written comments will be considered in the decision to approve the program. If there is sufficient public interest, a public hearing will be held and the time and place will be public noticed. Further information may be obtained by contacting Thomas W. Mountz at (214) 767-4375.

3. NPDES authorization to discharge to waters of the United States, permit No. OK0035785.

The applicant's mailing address is: Garland Coal & Mining Co.
P.O. Box 186, 824 Carnell Street
Fort Smith, Arkansas 72902

The discharge from this new source facility is made into tributaries to Sans Bois Creek and thence to the Arkansas River, a water of the United States classified for public & private water supply, fish & wildlife propagation, agriculture, municipal & industrial cooling water, primary recreation, secondary recreation, and aesthetics. The discharge is located on that water at Rosehill Mine # 11, south of Stigler, Haskell County, Oklahoma. A statement of basis is available. Under the standard industrial classification (SIC) code 1211, the applicant's activities are the surface mining of coal.

The Regional Administrator has determined that this facility is a new source as defined in Section 306 of the Clean Water Act. The issuance of an NPDES permit is subject to an environmental review under the National Environmental Policy Act. On the basis of the applicant's Environmental Information Document and other available information, EPA has made a preliminary decision that the issuance of this permit will not result in significant adverse environmental impacts that that an Environmental Impact Statement will not be required. Accordingly, an initial finding of no significant impact (FNSI) has been made and is being issued concurrently with this public notice of the draft permit. All comments regarding the initial FNSI should be sent to Mr. Mark Satterwhite at the above address. No on-site construction is permitted until EPA's environmental review process has been completed.

Permit No. OK0000191
Application No. OK0000191

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

Kerr-McGee Nuclear Corporation
P. O. Box 25861
Oklahoma City, Oklahoma 73125

is authorized to discharge from a facility located at Sequoyan Uranium Hexafluoride Facility, Gore (Sequoyan County), Oklahoma

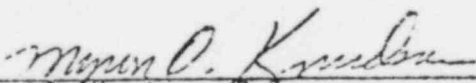
to receiving waters named the headwaters of the Robert S. Kerr Reservoir on the Arkansas River

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on January 24, 1983

This permit and the authorization to discharge shall expire at midnight, January 23, 1988

Signed this 23rd day of December 1982


Myron O. Knudson, P.E.
Director, Water Management Division (6W)

PART I

Page 2 of 23
 Permit No. 0K000191

PART I
 REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 001

During the period beginning the effective date and lasting through the expiration date of this permit

the permittee is authorized to discharge from Outfall(s) serial number(s) 001 - combined waste (cooling water, boiler water, process water, treated sanitary wastewater, and excess bypass water.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	kg/day(lbs/day) Daily Avg	Daily Max	Other Units (Specify) Daily Avg	Daily Max
Flow-m ³ /Day(MGD)	N/A	N/A	*	*
Temperature (°C)	N/A	N/A	* (°F)	* (°F)
Total Suspended Solids	340(750)	(680)(1500)	N/A	N/A
Flouride	14(30)	34(75)	N/A	N/A
Nitrate (as N)	34(75)	140(300)	N/A	N/A
Oil & Grease	N/A	N/A	N/A	15 mg/l

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	Measurement Frequency	Sample Type
Flow-m ³ /Day(MGD)	Continuous	Record
Temperature (°C)	3/Day**	In Situ
Total Suspended Solids	3/Week	Composite
Flouride	3/Week	Composite
Nitrate (as N)	3/Week	Composite
Oil & Grease	3/Week	Grab

* Report

** 1 per 8-hour shift

PART I

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Permit No. OK0000191

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 3/day** by grab sample.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the flow measuring device located downstream of the last collection point and upstream of the point where the effluent leaves the restricted area..

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 01A

During the period beginning the effective date and lasting through the expiration date of this permit

the permittee is authorized to discharge from outfall(s) serial number(s) 01A - treated sanitary wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	kg/day(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow-m ³ /Day(MGD)	N/A	N/A	*	*
Total Suspended Solids	N/A	N/A	30 mg/l	45 mg/l
Biochemical Oxygen Demand (BOD ₅)	N/A	N/A	30 mg/l	45 mg/l

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	Measurement Frequency	Sample Type
Flow-m ³ /Day(MGD)	Daily	Estimate
Total Suspended Solids	1/Week	Grab
Biochemical Oxygen Demand (BOD ₅)	1/Week	Grab

* Report

PART I

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Permit No. OK0000191

The pH shall not be less than N/A standard units nor greater than N/A standard units and shall be monitored N/A

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to commingling with combined wastes (Outfall 001).

PART I
REQUIREMENTS FOR NPDES PERMITSSECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 002

During the period beginning the effective date and lasting through the expiration date of this permit

the permittee is authorized to discharge from outfall(s) serial number(s) 002 - surface runoff from an ammonium-nitrate byproduct test plot.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	kg/day(lbs/day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow-m ³ /Day(MGD)	N/A	N/A	*	*
Total Suspended Solids	N/A	N/A	45 mg/l	90 mg/l
Ra 226, Dissolved	N/A	N/A	3 pci/l	5 pci/l
Ra 226, Total	N/A	N/A	10 pci/l	30 pci/l
NH ₃	N/A	N/A	2.5 mg/l	N/A
Nitrate (as N)	N/A	N/A	10 mg/l	N/A

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	Measurement Frequency	Sample Type
Flow-m ³ /Day(MGD)	Daily	Estimate
Total Suspended Solids	1/Day**	Composite
Ra 226, Dissolved	1/Day**	Composite
Ra 226, Total	1/Day**	Composite
NH ₃	1/Day**	Composite
Nitrate (as N)	1/Day**	Composite

* Report

** During periods of discharge

PART I

Page 7 of 23
Permit No. OK0000191

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day** by grab sample.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): where excess runoff is discharged to the unnamed watercourse from the dam retention pond.

PART I
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 003

During the period beginning the effective date and lasting through the expiration date of this permit

the permittee is authorized to discharge from outfall(s) serial number(s) 003 - surface runoff from an ammonium-nitrate byproduct test plot.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	kg/day(lbs./day)		Other Units (Specify)	
	Daily Avg	Daily Max	Daily Avg	Daily Max
Flow-m ³ /Day(MGD)	N/A	N/A	*	*
Total Suspended Solids	N/A	N/A	45 mg/l	90 mg/l
Ra 226, Dissolved	N/A	N/A	3 pci/l	5 pci/l
Ra 226, Total	N/A	N/A	10 pci/l	30 pci/l
NH ₃	N/A	N/A	2.5 mg/l	N/A
Nitrate (as N)	N/A	N/A	10 mg/l	N/A

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	Measurement Frequency	Sample Type
Flow-m ³ /Day(MGD)	Daily	Estimate
Total Suspended Solids	1/Day**	Composite
Ra 226, Dissolved	1/Day**	Composite
Ra 226, Total	1/Day**	Composite
NH ₃	1/Day**	Composite
Nitrate (as N)	1/Day**	Composite

* Report

** During periods of discharge

PART I

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Permit No. OK0000191

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day** by grab sample.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): where excess runoff is discharged to Salt Branch Creek from the dam retention pond.

PART I

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Permit No. CKC000191

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

NONE

PART II
STANDARD CONDITIONS FOR NPDES PERMITSSECTION A. GENERAL CONDITIONS1. Duty to Comply

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

2. Penalties for Violations of Permit Conditions

The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

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

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.

5. Toxic Pollutants

Notwithstanding paragraph A.4. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" section B, paragraph 3.b. and "Upsets" section 3, paragraph 4.b., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

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

8. State Laws

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

9. Property Rights

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

10. Severability

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

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS1. 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 includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. 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.

3. Bypass of Treatment Facilities

a. Definitions

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

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

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in section D, paragraph 6 (24-hour notice).

d. Prohibition of bypass.

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under paragraph 3.c. of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d.(1). of this section.

4. Upset Conditions

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c 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.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in section D, paragraph 6.
- (4) The permittee complied with any remedial measures required under section A, paragraph 3.

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

5. Removed Substances

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

SECTION C. MONITORING AND RECORDS1. Representative Sampling

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

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than + 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow", U. S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U. S. Government Printing Office, Washington, D. C. 20402. Order by SO catalog No. C13.10:421).
- b. "Water Measurement Manual", U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U. S. Government Printing Office, Washington, D. C. 20402. Order by Catalog No. I27.19/2:W29/2, Stock No. 574 2-003-0027).
- c. "Flow Measurement in Open Channels and Closed Conduits, U. S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, MA 22151. Order by NTIS No. PB-273 535/5ST).
- d. "NPDES Compliance Sampling Manual", U. S. Environmental Protection Agency, Office of Water Enforcement, Publication 82-51, 1977, 140 pp. (Available from the General Services Administration (GSA), Centralized Mailing Lists Services, Building 4, Denver Federal Center, Denver, CO 80225).

3. Monitoring Procedures

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

4. Penalties for Tampering

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 per violation, or by imprisonment for not more than 6 months per violation, or by both.

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Monitoring results obtained during the previous 3 months shall be summarized for each month and reported on a DMR form postmarked no later than the 28th day of the month following the completed reporting period. The first report is due April 28, 1983. Duplicate copies of DMR's signed and certified as required by section D, paragraph 11, and all other reports required by Section D. Reporting Requirements, shall be submitted to the Regional Administrator and the State at the following addresses:

Myron O. Knudson, P.E.
Director, Water Management Division
Environmental Protection Agency
Region VI
First International Building
1201 Elm Street
Dallas, Texas 75270

James R. Barnett, Acting Director
Oklahoma Water Resources Board
1000 N. E. 10th Street
Oklahoma City, Oklahoma 73105

6. Additional Monitoring by the Permittee

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

7. Averaging of Measurements

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

8. Retention of Records

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

9. Record Contents

Records of monitoring information shall include:

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

10. Inspection and Entry

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

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

SECTION D. REPORTING REQUIREMENTS1. 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.

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.

3. Transfers

This permit is nontransferable 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.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in section C, paragraph 5 (Monitoring).

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

5. Twenty Four Hour Reporting

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. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

11. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified.

- a. All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice-president;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above.
 - (2) The authorization specified 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, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
 - (3) Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit to be reported within 24 hours.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under section D, paragraphs 1, 4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 6.

8. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the "notification levels" described in 40 CFR 122.61.
- b. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

9. 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.

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

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control agency and the Regional Administrator. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

12. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance 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.

PART III

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PART III
OTHER CONDITIONS

A. The "daily average" concentration means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that calendar day.

The "daily maximum" concentration means the daily determination of concentration for any calendar day.

B. "Composite sample" means a sample consisting of a minimum of three (3) grab samples of effluent collected at regular intervals over a normal operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

C. Test Procedures

The effluent characteristics "soluble radium 226" and "total radium 226" shall be measured by Method 706 "Radium 226 in Water" in accordance with the procedures discussed for soluble radium 226 and total radium 226 in Standard Method for the Examination of Water and Wastewater, 14th Edition, 1975, pg. 667, or an equivalent method.