

**FIRST AMENDMENT TO THE FEDERAL FACILITY AGREEMENT
NAVAL AIR STATION JOINT RESERVE BASE
WILLOW GROVE, PENNSYLVANIA**

Whereas, the United States Environmental Protection Agency Region III (EPA), the Pennsylvania Department of Environmental Protection (PADEP), and the United States Department of the Navy (Navy) entered into a Federal Facility Agreement (FFA), CERCLA Docket Number: CERC-03-2005-0038FF, on June 27, 2005 to address the restoration of the Naval Air Station Joint Reserve Base (NASJRB) Willow Grove; and

Whereas, the 2005 Defense Base Closure and Realignment Commission's (BRAC) final and Congressionally-approved recommendations closed NASJRB Willow Grove. The Navy continues to hold real property accountability for NASJRB Willow Grove pending BRAC property disposal; and

Whereas, 45 acres of excess NASJRB Willow Grove property was transferred to the United States Air Force (Air Force) in 2009 and 2011 for use by the Horsham Air Guard Station (HAGS), which was renamed Biddle Air National Guard Base (Biddle ANGB) on January 13, 2021; and

Whereas, the Air Force continues to hold real property accountability for Biddle ANGB, which includes the 162-acre former Willow Grove Air Reserve Station (WGARS) in addition to the 45 acres of excess NASJRB Willow Grove property transferred to the Air Force in 2009 and 2011. The United States Air National Guard (ANG), a component of the Air Force, is responsible for the day-to-day operations of Biddle ANGB; and

Whereas, this Amendment to the FFA will enable the Air Force and ANG to comply with the provisions of CERCLA, 42 U.S.C. §§ 9601 et seq., and RCRA Sections 3004(u) and (v) and 3008(h), as amended, 42 U.S.C. §§ 6924(u) and (v) and 6928(h); and

Whereas, the EPA, the Navy, the Air Force, and the PADEP, collectively "the Parties" for purposes of this Amendment to the FFA, now agree to bring all restoration activities, including but not limited to those related to per- and poly-fluorinated alkyl substances (PFAS), including, but not limited to, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), on and/or attributable to Biddle ANGB under the 2005 FFA through this Amendment to the FFA.

Whereas, public notice soliciting comment on this Amendment to the FFA was published on [INSERT DATE] in the [INSERT PUBLICATION], and written comments from the public were received for a period of 60 days from the date of publication and a response to comments document was filed.

Now therefore, the Parties agree as follows:

Air Force's Assumption of Responsibility

As the lead Federal agency for the conduct of response actions consistent with CERCLA Section 120 at Biddle ANGB, upon the effective date of this Amendment to the FFA, the Air Force will assume all of the Navy's responsibilities, obligations, liabilities and authorities under the FFA for Biddle ANGB.

Terminology

The substance and text of the FFA will remain unchanged, except as necessary to accommodate the Air Force's addition as a party to the FFA for response actions to be taken at Biddle ANGB and the transfer of responsibilities from the Navy for the portion of NASJRB Willow Grove transferred to the Air Force and ANG for use by Biddle ANGB.

When a matter is applicable to Biddle ANGB, the following five changes shall apply:

1. The terms "Party" or "Parties" shall refer to EPA, the Commonwealth of Pennsylvania, through the PADEP, and the Air Force, including the ANG (and exclude the Navy).
2. The term "Navy" shall be superseded by the term "Air Force" (and exclude the Navy), except as provided in this Amendment to the FFA, and except in the following instances:
 - a. References to "Navy" made in Section VI. Findings of Fact,
 - b. The definition of "Navy" in Section II. Definitions, Paragraph 2.1, Subparagraph U.
3. The term "NASJRB" shall be superseded by the term "Biddle ANGB" (and exclude NASJRB), except as provided in this Amendment to the FFA, and except in the following instances:
 - a. References to "NASJRB" made in Section VI. Findings of Fact;
 - b. The definition of "Facility" in Section II. Definitions, Paragraph 2.1, Subparagraph M.
4. The term "EFANE" shall be superseded by the term "Air Force."
5. The term "ER,N" shall be superseded by the term "ER, Air Force."

Amendment of Specific Provisions

The following provisions of the FFA are amended or added as set forth below:

1. “Section II. Definitions” shall be amended to add the following definitions:

QQ. “Air Force,” and “Air National Guard” or “ANG” shall mean the United States Department of the Air Force and the United States Air National Guard, respectively, including Biddle ANGB, their employees, members, successors and authorized representatives, and assigns. The Air Force and Air National Guard shall also include the United States Department of Defense (DOD) to the extent necessary to effectuate the terms of the Agreement, including, but not limited to, appropriations and Congressional reporting requirements.

RR. “Biddle Air National Guard Base” or “Biddle ANGB” (formerly “Horsham Air Guard Station” or “HAGS”) shall mean the 207-acre installation located in Horsham Township, Montgomery County, Pennsylvania, which encompasses the 162-acre former Willow Grove Air Reserve Station (WGARS) in addition to 45 acres of land the Navy transferred to the Air Force between September 2009 and December 2011 pursuant to the Defense Base Realignment and Closure Act of 1990, Public Law 101-510, 10 U.S.C. 2687 note, as amended in 2005.

SS. “Horsham Air Guard Station” or “HAGS” (renamed “Biddle Air National Guard Base” or “Biddle ANGB” on January 13, 2021) shall mean the former designation for the 207-acre installation located in Horsham Township, Montgomery County, Pennsylvania, which encompasses the 162-acre former Willow Grove Air Reserve Station (WGARS) in addition to 45 acres of land the Navy transferred to the Air Force between September 2009 and December 2011 pursuant to the Defense Base Realignment and Closure Act of 1990, Public Law 101-510, 10 U.S.C. 2687 note, as amended in 2005.

TT. “Willow Grove Air Reserve Station” or “WGARS” shall mean the 162-acre former Air Reserve Station installation located in Horsham Township, Montgomery County, Pennsylvania that was jointly listed on the National Priorities List (NPL) with the former Naval Air Station Joint Reserve Base (NASJRB) Willow Grove on September 29, 1995 (Federal Register Vol. 60, No. 189, Page 50435).

2. “Section II. Definitions” shall be further amended as follows:

a. Paragraph 2.1, Subparagraph M shall be amended to read in full as follows:

“Facility” shall mean, (i) when a matter pertains to the Biddle ANGB portion of the Site, that property owned by the United States and operated by the Air Force and Air National Guard, including that portion known as the Biddle Air National Guard Base located in Montgomery County, Pennsylvania; and, (ii) when a matter does

not pertain to the Biddle ANGB portion of the Site, that property owned by the United States and operated by the U.S. Department of the Navy, including that portion known as Naval Air Station Joint Reserve Base (NASJRB), Willow Grove (excluding the Biddle ANGB) located in Montgomery County, Pennsylvania and including all areas identified in the Findings of Fact and the Site Management Plan. This definition is for the purpose of describing a geographical area and not a governmental entity.

3. “Section III. Parties Bound” shall be amended to add the following subparagraph:

3.1.1 The Parties to this Agreement include the Air Force and Air National Guard, and the terms of the Agreement shall apply to, and be binding upon, the Air Force and Air National Guard with regard to the Biddle ANGB.

4. “Section VI. Findings of Fact” Subsection 6.1 shall be amended to add the following subparagraphs:

S. Excess NASJRB property was transferred by the Navy to the Air Force in 2009 and 2011 for use by HAGS, now Biddle ANGB. The Air Force continues to hold real property accountability for Biddle ANGB. The ANG, a component of the Air Force, is responsible for the day-to-day operations of Biddle ANGB. A map indicating the approximate contours of Biddle ANGB and NASJRB is provided in Attachment A (NASJRB Willow Grove-Biddle ANGB Map).

T. In 2011, as part of the transfer of excess NASJRB property, responsibility for conducting all future response actions related to former NASJRB Site 1 - Privet Road Compound was transferred from the Navy to the Air Force. In 1999, the Navy removed approximately 1,200 cubic yards of PCB-contaminated soil. In 2006, the Navy and EPA issued a No Further Action Record of Decision (ROD) for the soil (OU-1). In 2008, the Navy and EPA issued an Interim ROD for site-wide groundwater (OU-3). The remedy selected in the Interim ROD includes land use controls to prevent unrestricted use of untreated groundwater and periodic monitoring of the portions of the groundwater plume underlying the property to ensure that there continue to be no unacceptable risks to human health from the contaminants of concern (volatile organic compounds). CERCLA also requires site reviews every 5 years as long as the contamination remains onsite above levels that allow for unlimited use and unrestricted exposure. A Final ROD is necessary to address contaminants of concern in the groundwater at the Privet Road Compound.

U. The Air Force identified seven (7) Installation Restoration Program (IRP) sites at the WGARS property. The Air Force issued decisions of No Further Response Action Planned (NFRAP) for six (6) of the sites (Sites 2, 3, 4, 5, 6, and 7). EPA has not concurred on NFRAP decisions for these sites. Response actions to address petroleum contamination are ongoing at Site 1 (ST-01). The operational

history of the WGARS and the current status of the IRP sites can be found on-line in the Air Force's Administrative Record file for the sites at <https://ar.afcec-cloud.af.mil/Search.aspx>.

V. Pursuant to DOD Instruction 4715.18 (2009) regarding emerging contaminants, analyses of groundwater samples collected by the Navy in 2012 and 2013 from wells located near the source of potential contamination at NASJRB detected PFOA and PFOS in excess of EPA's provisional health advisory ("PHA") levels for these compounds in drinking water. Follow-up sampling results related to the Navy Five Year Review for NASJRB suggested that the HAGS Public Water Supply Wells #1 and #2 ("Supply Wells #1 and #2") may be impacted by PFOS and PFOA. These wells were former Navy Supply Wells and are often referred to as NAS-1 and NAS-2 in historic documents.

W. In August 2014, EPA issued an Information Request to the ANG and Air Force, under Section 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4, to require sampling of the HAGS Public Water Supply Wells #1 and #2 located on the base for PFOA and PFOS.

X. In October 2014, the ANG sampled Supply Wells #1 and #2 and found that the levels detected exceeded the PHA levels for PFOA and PFOS.

Y. On May 13, 2015, EPA issued an administrative order (AO), EPA Docket Number SDWA-03-2015-0131DS, to the ANG and Air Force pursuant to Section 1431 of the SDWA, 42 U.S.C. § 300i. After conferring with ANG and Air Force, EPA issued a superseding AO on May 29, 2015 (SDWA AO), EPA Docket Number SDWA-03-2015-0131DS, finding that HAGS had caused or contributed to the PFOA and PFOS contamination of groundwater in the vicinity of the installation due to the use of aqueous film forming foams (AFFF). Pursuant to the SDWA AO, the ANG and the Air Force were required to perform an on-site Facility Investigation (FI) to identify the source(s) of PFOA and PFOS contamination and conduct any additional monitoring and remediation at the Facility to eliminate continued discharge of PFOA and PFOS to the ground water and/or surface water, and to provide an alternate water supply and long-term treatment for the private and public wells contaminated with levels of PFOA and PFOS above the PHA levels.

Z. In 2015, the ANG conducted a Preliminary Assessment and identified eleven (11) potential PFOA and PFOS source areas. However, based on updated information, the ANG removed one potential source area (Building 346) from the Preliminary Assessment and added a potential source area (Building 238). The potential PFAS source areas provide the foundation for the FI.

AA. The first phase of the FI, completed in June 2016, included sampling of soil (source areas), sediment, AFFF storage tanks, on-site surface water and groundwater wells. Analytical results and a brief summary of the work were presented in a November 4, 2016 Technical Memorandum.

BB. Based on the results of the first phase of the FI, additional sampling was conducted in 2016 and 2017. A draft FI report was submitted to EPA on September 30, 2017 pursuant to the SDWA AO. EPA submitted comments to the ANG on the draft FI report on November 30, 2017. The FI report was finalized through EPA approval on May 22, 2018. Based on the results of the FI report, the ANG initiated an RI/FS for a new OU to form the basis for a long-term response to the PFAS contamination, and implementation of response actions, as needed, for the potential releases to on-site groundwater and surface water, as well as groundwater and surface water migration off-site.

CC. By letter dated March 18, 2022, the ANG agreed to accomplish the following steps in order to transition the work required under the SDWA AO to CERCLA cleanup actions conducted under this amended FFA:

(i) Groundwater Pilot Study. The ANG, in cooperation with EPA and PADEP, will develop a pilot study that is expected to be scaled up to a removal action, which will consist of a pump and treat system on Biddle ANGB that will reduce PFOA/PFOS concentrations and control migration of PFAS-contaminated groundwater. ANG will submit an updated proposed schedule for the initiation of pump and treat.

(ii) Outfall Discharge Requirements. The ANG, in cooperation with EPA and PADEP, will prepare an Action Memorandum for a removal action to continue operation of the existing PFAS surface water pump and treat system at Outfall 1, and, as necessary, to address the PFAS discharge from Outfall 3. Discharge and monitoring and other requirements will be provided in PADEP's National Pollutant Discharge Elimination System (NPDES) permit equivalency or Applicable or Relevant and Appropriate Requirements (ARARs) document, hereinafter referred to as the "Performance Criteria document." (See Appendix A - "Applicable or Relevant and Appropriate Requirements and Performance Standards Relating to 25 Pa. Code Chapters 91-96"). Biddle ANGB will ensure that concentrations of PFOA and PFOS in treated water will meet or fall below applicable standards or concentrations determined by EPA and PADEP, in consultation with Biddle ANGB, to be protective.

(iii) If the pilot project or removal action, mentioned above in paragraph 6.1.CC(i) (Pilot Study), should require a discharge of treated water to Waters of the U.S. or of the Commonwealth, the Parties will modify the Performance Criteria document accordingly.

(iv) Private Well Monitoring and Provision of Alternative Water. The ANG, in cooperation with EPA and PADEP, will prepare an Action Memorandum to continue to conduct removal actions, in accordance with CERCLA and under the FFA, to: (a) monitor the private drinking water at homes in the path of the PFAS groundwater contamination migrating from the Site where PFOA and/or PFOS

are present in excess of the EPA screening level; and (b) to provide alternative water to residents whose private drinking water supply exceeds applicable standards or concentrations determined by EPA and PADEP, in consultation with Biddle ANGB, to be protective, if the contamination to the private drinking water well is believed by EPA, in consultation with PADEP, to have come from a release at Biddle ANGB.

DD. The March 18, 2022 ANG letter also recited the expectation that the EPA and PADEP would accomplish the following steps in order to transition the work required under the SDWA AO to CERCLA cleanup actions conducted under this amended FFA:

(i) Performance Criteria Document. PADEP will prepare and coordinate the Performance Criteria Document with EPA, the Air Force, and ANG.

(ii) Coordination on Pilot Study. EPA and PADEP will work with the Air Force/ANG on the appropriate steps, documents, and approvals for the pilot project and anticipated removal action mentioned above in paragraph 6.1.CC(i) (Pilot Study).

(iii) Resolution of NPDES Permit Appeal. PADEP will prepare a Settlement Agreement to be signed by PADEP and Air Force/ANG to resolve the NPDES Permit Appeal that is currently before the Commonwealth of Pennsylvania Environmental Hearing Board, EHB Docket No. 2021-041-L. The Settlement Agreement will require (a) Biddle ANGB to withdraw its appeal and (b) PADEP to terminate the NPDES permit and issue the Performance Criteria document once this Amendment to the FFA is fully executed and the Action Memorandum for the removal action described in paragraph 6.1.CC(ii) (Outfall Discharge Requirements) is finalized.

(vi) Termination of SDWA AO. EPA will terminate the SDWA AO within one month of the effective date of the amended FFA.

EE. EPA has included PFAS compounds in the list of Regional Screening Levels, which are chemical-specific concentrations for individual contaminants that should be used as screening levels at CERCLA sites. EPA has issued Health Advisories for certain PFAS and is in the process of developing Maximum Contaminant Levels (MCLs) under the SDWA for PFOA and PFOS.

FF. In February 2022, Pennsylvania proposed MCLs for PFOA and PFOS.

GG. On November 20, 2021, Pennsylvania promulgated Statewide health standards for certain PFAS under its Land Recycling and Environmental Remediation Standards Act.

HH. EPA expects the Air Force/ANG and the Navy to take response actions to achieve protection with respect to all unacceptable human health risks posed by PFAS compounds. The Parties will identify and determine potential ARARs in accordance with Section 10.6 (Identification and Determination of Potential ARARs), which will include an evaluation of then-existing Pennsylvania Statewide health standards, proposed regulations, health advisories, or MCLs for PFAS compounds properly identified by the State, and any similar Federal authorities, as potential ARARs or TBCs, as appropriate, in decision documents for response actions when these standards are promulgated or finalized.

5. “Section VII. EPA Determinations” Subsection 7.1 A shall be amended to read in full as follows:

7.1 A. The United States Department of the Navy, the United States Air Force and the Air National Guard are each a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

6. “Section XIV. Project Managers” shall be amended to update the Navy and EPA contact information and add the ANG contact information as follows:

14.9 A. Delete subparagraph A. and replace with the following:

For the Navy: NAVFAC BRAC Program Management Office, East
4911 South Broad Street, Building 679
Philadelphia, PA 19112
Attn: NASJRB Willow Grove BRAC Env. Coordinator

14.9 B. Delete subparagraph B. and replace with the following:

For EPA: EPA Region III
Attn: NASJRB Willow Grove Project Manager
Federal Facilities Section (SDEA)
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2852

14.9 D. Add the following:

For Air Force/ANG: National Guard Bureau
Attn: Program Manager, Biddle ANGB
3501 Fetchet Avenue
Joint Base Andrews, MD 20762-5157

7. “Section XX. Dispute Resolution”, Subsections 20.4, 20.6, and 20.7 shall be amended to read in full as follows:

20.4 The Dispute Resolution Committee (DRC) will serve as a forum for resolution of disputes for which agreement has not been reached through informal dispute resolution. The Parties shall each designate one individual and an alternate to serve on the DRC. The individuals designated to serve on the DRC shall be employed at the policy level (Senior Executive Service (SES) or equivalent) or be delegated the authority to participate on the DRC for the purposes of dispute resolution under this Agreement. The EPA’s representative on the DRC is the Director, Superfund and Emergency Management Division of EPA Region III. The PADEP’s representative on the DRC is its Southeast Regional Director. The Navy’s designated member is the Commanding Officer, Engineering Field Activity Northeast. The Air Force/ANG’s representative on the DRC is the Director, NGB A4. Written notice of any delegation of authority from any Party’s designated representative on the DRC shall be provided to all other Parties pursuant to the procedures of SECTION XIV. - PROJECT MANAGERS.

20.6 The SEC will serve as the forum for resolution of disputes for which agreement has not been reached by the DRC. The EPA’s representative on the SEC is the Regional Administrator of EPA Region III, or his or her delegatee. The Navy’s representative on the SEC is the Assistant Secretary of the Navy (Energy, Installations and Environment) or his or her delegatee. The Air Force/ANG’s representative on the SEC is the Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure). PADEP’s representative on the SEC is the Deputy Secretary for Field Operations, or his or her delegatee. In the event of a delegation, the positions presented by the delegates shall represent the positions of the Regional Administrator of EPA Region III, the Assistant Secretary of the Navy (Energy, Installations and Environment), the Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure), and the Deputy Secretary for PADEP Field Operations. Any documents issued by the SEC or its members pertaining to a dispute shall be issued by the Regional Administrator of EPA Region III, the Assistant Secretary of the Navy (Energy, Installations and Environment), the Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure), and/or the Deputy Secretary for PADEP Field Operations. Notice of any delegation of authority from a Party’s designated representative on the SEC shall be provided to the other Parties in writing before the delegation takes effect. The SEC members shall, as appropriate, confer, meet and exert their best efforts to resolve the dispute and issue a unanimous written decision signed by all Parties. If unanimous resolution of the dispute is not reached within twenty-one (21) days, the EPA Regional Administrator shall issue a written position on the dispute. The Assistant Secretary of the Navy, the Deputy Assistant Secretary of the Air Force, or the Secretary of PADEP may, within twenty-one (21) days of the Regional Administrator’s issuance of EPA’s position, issue a written notice elevating the dispute to the Administrator of U.S. EPA for resolution in accordance with all applicable laws and procedures. In the event that the Navy, the Air Force/ANG, and/or PADEP elect not to elevate the dispute to the

Administrator within the designated twenty-one (21) day escalation period, the decision will become final and the Work will proceed in accordance with the Regional Administrator's written position with respect to the dispute.

20.7 Upon escalation of a dispute to the Administrator of EPA pursuant to Subsection 20.6 above, the Administrator will review and resolve the dispute within twenty-one (21) days. Upon request, and prior to resolving the dispute, the EPA Administrator shall meet and confer with the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of PADEP to discuss the issue(s) under dispute. Upon resolution, the Administrator shall provide the other Parties with a written final decision setting forth resolution of the dispute. The duties of the Administrator pursuant to this Paragraph may be delegated only to the EPA Assistant Administrator for Enforcement and Compliance Assurance. The duties of the Secretary of the Navy pursuant to Paragraph 20.7 may be delegated only to the Assistant Secretary of the Navy (Energy, Installations and Environment). The duties of the Secretary of the Air Force pursuant to Paragraph 20.7 may be delegated only to the Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure). The duties of the Secretary of PADEP pursuant to Paragraph 20.7 may be delegated only to PADEP's Deputy Secretary for Air, Recycling and Radiation Protection.

8. "Section XXVIII. Reimbursement of Commonwealth Services" Subsection 28.1 shall be amended to read in full as follows:

28.1 The Navy, the Air Force/ANG, and the PADEP agree to use the Defense Commonwealth Memorandum of Agreement, signed on April 14, 1994, as amended by Cooperative Agreements, for the reimbursement of services provided in direct support of environmental restoration activities at the Site pursuant to this Agreement.

9. "Section XXXVI. Restoration Advisory Board" Subsection 36.1 shall be amended as follows:

36.1 The Navy has established a Restoration Advisory Board (RAB), which meets the requirements of 10 U.S.C. Section 2705(d) at Department of Defense installations. The Parties shall participate in the RAB as follows:

- A. A NASJRB representative who shall co-chair the RAB,
- B. A Biddle ANGB representative who shall co-chair the RAB,
- C. An EPA representative,
- D. A PADEP representative,

- E. The Navy Project Manager, and
- F. The ANG Project Manager.

The Parties shall encourage representatives from the following organizations to serve as members of the RAB:

- F. A representative of Horsham township,
- G. A representative of Warrington Township,
- H. A representative from the Horsham Water and Sewer Authority, and
- I. A representative of the North Wales Water Authority.

AUTHORIZED SIGNATURES

For Air Force/ANG:

Nancy Balkus
Deputy Assistant Secretary of the Air Force
(Environment, Safety, and Infrastructure)

For Navy:

Karnig H. Ohannessian
Deputy Assistant Secretary of the Navy
(Environment and Mission Readiness)

For PADEP:

Patrick L. Patterson
Southeast Regional Director
Pennsylvania Department of Environmental
Protection

For EPA:

Adam Ortiz
Regional Administrator
U.S. Environmental Protection Agency, Region III

APPENDIX A

**WATER QUALITY
APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS
and
PERFORMANCE STANDARDS
Relating to 25 Pa. Code Chapters 91-96**

WQM AUTHORIZATION NO.: XXXXXXXX

In accordance with Sections 120(a) and 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA), 42 U.S.C. §§ 9620(a) and 9621(d), Sections 300.415 and 300.525 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. §§ 300.415 and 300.525, the provisions of Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., and the federal Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq., the following sets forth applicable or relevant and appropriate requirements (ARARs) and performance standards (collectively Performance Criteria) relating to a response action to be undertaken by the United States Air Force/Air National Guard pursuant to CERCLA, at the

Biddle Air National Guard Base (Biddle ANGB)
1120 Fairchild Street
Horsham, PA 19044-5236

located in **Horsham Township, Montgomery County**, to address the discharge of stormwater and groundwater to **Unnamed Tributary to Park Creek (WWF, MF) and Unnamed Tributary to Little Neshaminy Creek (WWF, MF)** in Watershed(s) 2-F

**THESE PERFORMANCE CRITERIA WILL
BECOME EFFECTIVE ON**

Biddle ANGB shall submit a request to the Department of Environmental Protection (DEP) by **5 years from the effective date** _____ to reevaluate these Performance Criteria.

DATE ISSUED

ISSUED BY

Thomas L. Magge
Environmental Program Manager
Southeast Regional Office

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 001, Latitude 40° 12' 41.5", Longitude -75° 9' 1.1", River Mile Index 0.5100, Stream Code 02662

Receiving Waters: Unnamed Tributary to Park Creek (WWF, MF)

Type of Effluent: Other Miscellaneous Discharges (Stormwater and Groundwater)

1. Biddle ANGB is authorized to discharge during the period from **the effective date** through **5 years from the effective date**.
2. Based on the anticipated wastewater characteristics and flows, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report Wkly Avg	XXX	XXX	XXX	XXX	1/week	Measured
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	XXX	9.0	1/week	Grab
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX	1/month	24-Hr Composite
PFOA (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/month	24-Hr Composite
PFOS (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/month	24-Hr Composite
Total PFOA and PFOS (ug/L) ^{(3), (4)}	XXX	XXX	XXX	0.07*	XXX	XXX	1/month	Calculation

* The effluent limitation for Total PFOA and PFOS will be reevaluated upon the promulgation of other applicable standards. Biddle ANGB will ensure that concentrations of PFOA and PFOS in treated water will meet or fall below applicable standards or concentrations determined by DEP and the United States Environmental Protection Agency ("EPA"), in consultation with Biddle ANGB, to be protective.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

First manhole located along the discharge line from the treatment plant ("MH 1").

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 003, Latitude 40° 12' 37.44", Longitude -75° 8' 23.28", River Mile Index 1.2400, Stream Code 02660

Receiving Waters: Unnamed Tributary to Little Neshaminy Creek (WWF, MF)

Type of Effluent: Stormwater

1. Biddle ANGB is authorized to discharge from **the effective date** through **the end of 59 months from the effective date**.
2. Based on the anticipated wastewater characteristics and flows, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	Instant. Maximum		
PFOA (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Grab
PFOS (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Grab
Total PFOA and PFOS (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 003

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. C. For Outfall 003, Latitude 40° 12' 37.44", Longitude 75° 8' 23.28", River Mile Index 1.2400, Stream Code 02660

Receiving Waters: Unnamed Tributary to Little Neshaminy Creek (WWF, MF)

Type of Effluent: Stormwater

1. Biddle ANGB is authorized to discharge during the period from **the beginning of 60 months from the effective date** through **5 years from the effective date**.
2. Based on the anticipated wastewater characteristics and flows, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	Instant. Maximum		
PFOA (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Grab
PFOS (ug/L) ⁽³⁾	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Grab
Total PFOA and PFOS (ug/L) ^{(3), (4)}	XXX	XXX	XXX	0.07*	XXX	XXX	1/quarter	Calculation

* The effluent limitation for Total PFOA and PFOS will be reevaluated upon the promulgation of other applicable standards. To the extent that treatment is required, Biddle ANGB will ensure that concentrations of PFOA and PFOS in treated water will meet or fall below applicable standards or concentrations determined by DEP and EPA, in consultation with Biddle ANGB, to be protective.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 003

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. D. For Outfall 003, Latitude 40° 12' 37.44", Longitude 75° 8' 23.28", River Mile Index 1.24, Stream Code 02662

Receiving Waters: Unnamed Tributary to Little Neshaminy Creek (WWF, MF)

Type of Effluent: Stormwater

1. Biddle ANGB is authorized to discharge during the period from **the effective date** through **5 years from the effective date**.
2. Based on the anticipated wastewater characteristics and flows, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX	1/6 months	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 003

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. E. For Outfall 201, Latitude 40° 12' 33", Longitude 75° 9' 16.", River Mile Index N/A, Stream Code 02662

Receiving Waters: UNT to Park Creek

Type of Effluent: Stormwater and groundwater

1. Biddle ANGB is authorized to discharge during the period from **the effective date** through **5 years from the effective date**.
2. Based on the anticipated wastewater characteristics and flows, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Average Weekly	Minimum	Average Quarterly	Daily Maximum	Instant. Maximum		
PFOA (ug/L) ⁽³⁾ Internal Monitoring Point	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Grab
PFOS (ug/L) ⁽³⁾ Internal Monitoring Point	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Grab
Total PFOA and PFOS (ug/L) ⁽³⁾ Internal Monitoring Point	XXX	XXX	XXX	Report	Report	XXX	1/quarter	Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At IMP 201

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS
(Continued)**Additional Requirements

The following may not be discharged:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water.
2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in these Performance Criteria).
3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.
4. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in these Performance Criteria. For the purpose of determining compliance with this condition, DEP will compare conditions in the receiving water upstream of the discharge to conditions in the receiving water approximately 100 feet downstream of the discharge to determine if there is an observable change in the receiving water.

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) This is the minimum number of sampling events required.
- (3) EPA Method 537.1 or other DEP/EPA approved methods can be used to analyze for PFOA and PFOS. Total PFOA and PFOS shall be reported as the sum of the results for PFOA and PFOS.
- (4) If concentrations of Total PFOA and PFOS exceed 0.035 ug/L, Biddle ANGB shall investigate the filter media performance and replace the filter media on all vessels in the treatment train that are not performing adequately.

Supplemental Information

The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 0.720 MGD.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in these Performance Criteria.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Calendar Week is defined as the seven consecutive days from Sunday through Saturday, unless Biddle ANGB has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting

Chemical Additive means a chemical product (including products of disassociation and degradation, collectively "products") introduced into a waste stream that is used for cleaning, disinfecting, or maintenance and which may be detected in effluent discharged to waters of the Commonwealth. The term generally excludes chemicals used for neutralization of waste streams, the production of goods, and treatment of wastewater.

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite.

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). A separate analysis should be performed for each sample and the results should be averaged.

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP supplied form(s) for the reporting of self-monitoring results by Biddle ANGB.

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes.

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Instantaneous Maximum Effluent Limitation means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample.

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that 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.

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage.

Stormwater Associated With Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.

Total Dissolved Solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring.

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized.
2. Recording of Results

For each measurement or sample taken pursuant to these Performance Criteria, Biddle ANGB shall record the following information:

- a. The exact place, date and time of sampling or measurements.
 - b. The person(s) who performed the sampling or measurements.
 - c. The date(s) the analyses were performed.
 - d. The person(s) who performed the analyses.
 - e. The analytical techniques or methods used; and the associated detection level.
 - f. The results of such analyses.
3. Test Procedures
 - a. Facilities that test or analyze environmental samples used to demonstrate compliance with these Performance Criteria shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.
 - b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in these Performance Criteria or has been otherwise approved in writing by DEP.
 - c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in these Performance Criteria for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in these Performance Criteria or has been otherwise agreed to by EPA and DEP for the measured pollutant or pollutant parameter. Biddle ANGB has the option of providing matrix or sample-specific minimum levels rather than the published levels.
 4. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. Biddle ANGB, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP.
- b. Biddle ANGB, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy these Performance Criteria, in accordance with 40 CFR Part 136.

B. Reporting of Monitoring Results

1. Biddle ANGB shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in these Performance Criteria.
2. Biddle ANGB shall use DEP's electronic Discharge Monitoring Report (eDMR) system to report the results of compliance monitoring under these Performance Criteria (see www.dep.pa.gov/edmr).
3. Submission of a physical (paper) copy of a Discharge Monitoring Report (DMR) is acceptable under the following circumstances:
 - a. For a discharger that is not yet using the eDMR system, the discharger shall submit a physical copy of a DMR to the DEP regional office that issued these Performance Criteria during the interim period between the submission of registration and trading partner agreement forms to DEP and DEP's notification to begin using the eDMR system.
 - b. For any discharger, as a contingency a physical DMR may be mailed to the DEP regional office that issued these Performance Criteria if there are technological malfunction(s) that prevent the successful submission of a DMR through the eDMR system. In such situations, the discharger shall submit the DMR through the eDMR system within 5 days following remedy of the malfunction(s).
4. DMRs must be completed in accordance with DEP's published DMR instructions (3800-FM-BCW0463). DMRs must be received by DEP no later than 28 days following the end of the monitoring period. DMRs are based on calendar reporting periods and must be received by DEP in accordance with the following schedule:
 - Monthly DMRs must be received within 28 days following the end of each calendar month.
 - Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.
 - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.
 - Annual DMRs must be received by January 28, unless Part C of these Performance Criteria requires otherwise.

Biddle ANGB shall complete all Supplemental Reporting forms (Supplemental DMRs) attached to these Performance Criteria, or an approved equivalent, and submit the signed, completed forms as attachments to the DMR, through DEP's eDMR system. DEP's Supplemental Laboratory Accreditation Form (3800-FM-BCW0189) must be completed and submitted to DEP with the first DMR following issuance of these Performance Criteria, and anytime thereafter when changes to laboratories or methods occur.

5. The completed DMR Form shall be signed and certified by either of the following applicable persons:
 - For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the application originates.
 - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above and for co-dischargers, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form.

6. If Biddle ANGB monitors any pollutant at monitoring points as designated by these Performance Criteria, using analytical methods described in Part A III.A. herein, more frequently than these Performance Criteria require, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR.

C. Reporting Requirements

Planned Changes to Treatment: Biddle ANGB will provide notice and opportunity for discussion regarding any planned changes to the Treatment Plant or their treatment processes or changes in waste stream configuration.

1. Planned Changes to Waste Stream – Biddle ANGB shall provide notice to DEP as soon as possible but no later than 45 days prior to any planned changes in the volume or pollutant concentration of its influent waste stream, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the “Planned Changes to Waste Stream” Supplemental Report (3800-FM-BCW0482), available on DEP’s website. Biddle ANGB shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility.

- a. Introduction of New Pollutants

New pollutants are defined as parameters that meet all of the following criteria:

- (i) Were not previously detected in the facilities’ influent waste stream
- (ii) Have not been approved to be included in Biddle ANGB’s influent waste stream by DEP in writing.

Biddle ANGB shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. Biddle ANGB may not authorize the introduction of new pollutants until Biddle ANGB receives DEP’s written approval.

- b. Increased Loading of Approved Pollutants

Approved pollutants are defined as parameters that meet one or more of the following criteria:

- (i) Were previously detected in the facilities’ influent waste stream discharge
- (ii) Have been approved to be included in Biddle ANGB’s influent waste stream by DEP in writing; or
- (iii) Have an effluent limitation or monitoring requirement in these Performance Criteria.

Biddle ANGB shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of these Performance Criteria, or (3) may cause interference or pass through at the facility (as defined at 40 CFR 403.3), or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in these Performance Criteria, if DEP does not respond to the notification within 30 days of its receipt, Biddle ANGB may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

- c. Use of New Chemical Additives

Biddle ANGB should report the proposed use of any new chemical additives not previously reported to the Department before introducing the chemical additive. The following information should be submitted:

- (i) Trade name(s) of chemical.

- (ii) Material Safety Data Sheet (MSDS) or other available information on mammalian or aquatic toxicological effects.
- (iii) Bioassay data including a 48-hour or 96-hour LC₅₀ value on the whole product.
- (iv) Proposed average and maximum chemical usage rates in lbs/day.
- (v) The expected concentration of the product at the final outfall.
- (vi) The product density for liquids (lbs/gal) used to convert usage rate (gpd) to in-system concentrations (mg/l).

2. Unanticipated Potential Pollution Reporting

- a. Immediate Reporting - Biddle ANGB shall immediately report any incident causing or threatening pollution.
 - (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, Biddle ANGB shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to DEP is required as soon as possible, but no later than 4 hours after Biddle ANGB becomes aware of the incident causing or threatening pollution.
 - (ii) If reasonably possible to do so, Biddle ANGB shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
 - (iii) Biddle ANGB shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. 24 Hour Reporting - Biddle ANGB shall orally report any noncompliance with these Performance Criteria which may endanger health or the environment within 24 hours from the time Biddle ANGB becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in these Performance Criteria;
 - (2) Any upset which exceeds any effluent limitation in these Performance Criteria.
- c. When a leak, spill or other release occurs during a 24-hour period that contains a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under 40 CFR Parts 110, 117 or 302, Biddle ANGB shall, in addition to the notification requirements contained above, notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Parts 110, 117, and 302 as soon as Biddle ANGB becomes aware of the discharge.

I. MANAGEMENT REQUIREMENTS

A. Proper Operation and Maintenance

Biddle ANGB 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 Biddle ANGB to achieve compliance with these Performance Criteria. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by Biddle ANGB, only when necessary to achieve compliance with these Performance Criteria.

B. Duty to Mitigate

Biddle ANGB shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of these Performance Criteria that has a reasonable likelihood of adversely affecting human health or the environment.

C. Bypassing

1. Bypassing Not Exceeding Effluent Limitations - Biddle ANGB may allow a 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 in paragraph two.
2. Other Bypassing - In all other situations, bypassing is prohibited unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage."
 - b. There are 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.

PART C**I. ADDITIONAL PERFORMANCE CRITERIA**

- A. Collected screenings, slurries, sludges, and other solids shall be handled, recycled and/or disposed of in compliance with the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments. Screenings collected at intake structures shall be collected and managed and not be returned to the receiving waters.
- B. Sludges and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 262, 263, and 264 (related to permits and requirements for landfilling and storage of hazardous sludge) and applicable federal regulations, the Federal Clean Water Act, RCRA and their amendments.
- C. There shall be no discharge of stripper tower cleaning wastewaters to waters of the Commonwealth. Cleaning wastewaters shall be discharged to the sanitary sewer or hauled off site for proper disposal.
- D. Biddle ANGB shall operate the treatment facilities approved herein on a continual basis. If accidental breakdown or normal periodic maintenance should cause cessation of operation, Biddle ANGB shall take satisfactory measures to ensure the treatment works are placed back in operation at the earliest possible time. Biddle ANGB shall orally report to DEP within 24 hours of an unanticipated temporary shutdown of the treatment facility that is longer than 24 hours in duration or at least 24 hours prior to an anticipated maintenance shutdown.
- E. Duty to Provide Information
1. Biddle ANGB shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating these Performance Criteria, or to determine compliance with these Performance Criteria. (40 CFR 122.41(h))
 2. Biddle ANGB shall furnish to DEP, upon request, copies of records required to be kept by these Performance Criteria. (40 CFR 122.41(h))
 3. Other Information - Where Biddle ANGB becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))

F. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), Biddle ANGB shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon Biddle ANGB's premises where a regulated facility or activity is located or conducted, or where records must be kept under these Performance Criteria; (40 CFR 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under these Performance Criteria; (40 CFR 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under these Performance Criteria; and (40 CFR 122.41(i)(3))

4. To sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

II. REQUIREMENTS APPLICABLE TO STORMWATER OUTFALL 003

A. Biddle ANGB may discharge non-polluting stormwater from its site, alone or in combination with other wastewaters, through the following outfalls:

Outfall No.	Area Drained (ft ²)	Latitude	Longitude	Description
003	342,195	40° 12' 37.44"	-75° 8' 23.28"	Stormwater runoff from inactive portion of the base, 50% impervious

Monitoring requirements and effluent limitations for these outfalls are specified in Part A of these Performance Criteria, if applicable.

B. Stormwater Annual Report.

Biddle ANGB shall submit a complete Annual Report to the DEP office that issued these Performance Criteria by May 1 each year using DEP’s Annual Report template, attached to these Performance Criteria. The Annual Report shall address activities under these Performance Criteria for the previous calendar year. Biddle ANGB shall submit the Annual Report electronically if notified by DEP in writing. If Biddle ANGB discharges to a municipal separate storm sewer system (MS4), a copy of the Annual Report shall be submitted to the operator of the MS4.

C. Best Management Practices (BMPs).

Biddle ANGB shall implement and, as necessary, maintain the following BMPs to remain in compliance with these Performance Criteria.

1. Pollution Prevention and Exposure Minimization.

Biddle ANGB shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm resistant coverings wherever feasible. Biddle ANGB shall implement and maintain the following measures, at a minimum:

- a. Use grading, berming or curbing to prevent runoff of polluted stormwater and divert run-on away from areas that contain polluted stormwater
- b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge to surface waters
- c. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants to surface waters
- d. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents to prevent the release of pollutants to the environment.
- e. Use spill/overflow protection equipment.
- f. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray.
- g. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and

vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

- h. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids, ensure that discharges have a control (e.g., secondary containment, treatment). These Performance Criteria do not authorize dry weather discharges from dumpsters or roll off boxes.
- i. Minimize contamination of stormwater runoff from fueling areas by implementing the following BMPs where determined to be feasible: cover fueling areas; install oil/water separators or oil and grease traps in fueling area storm drains; use berms to prevent run-on to and runoff from fueling areas; use spill/overflow protection and cleanup equipment; use dry cleanup methods; and/or treat and/or recycle collected stormwater runoff.
- j. Train employees routinely (no less than annually) on pollution prevention practices as contained in the PPC Plan.

2. Good Housekeeping.

Biddle ANGB shall perform good housekeeping measures in order to minimize pollutant discharges including the routine implementation of the following measures, at a minimum:

- a. Implement a routine cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.
- b. Store materials in appropriate containers.
- c. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.
- d. Eliminate floor drain connections to storm sewers.
- e. Use drip pans, drain boards, and drying racks to direct drips back into a fluid holding tank for reuse. Drain fluids from all equipment and parts prior to disposal. Promptly transfer used fluids to the proper container; do not leave full drip pans or other open containers around the shop. Empty and clean drip pans and containers.
- f. Label and track the recycling of waste material (e.g., used oil, spent solvents, batteries).
- g. Prohibit the practice of hosing down an area where the practice would result in the discharge of pollutants to a municipal or other storm water collection system that conveys pollutants off-site without proper treatment.

3. Erosion and Sediment Controls.

- a. Biddle ANGB shall minimize erosion and pollutant discharges by stabilizing exposed soils and placing flow velocity dissipation devices at discharge locations to minimize channel and stream bank erosion and scour in the immediate vicinity of stormwater outfalls.
- b. Biddle ANGB shall conduct all earth disturbance activities and, when applicable, shall maintain all post-construction stormwater management (PCSM) BMPs in accordance with 25 Pa. Code Chapter 102.
- c. Biddle ANGB may not utilize polymers or other chemicals to treat stormwater unless written permission is obtained from DEP.

4. Spill Prevention and Responses.

Biddle ANGB shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop a PPC Plan for effective responses to such releases. Biddle ANGB shall conduct the following spill prevention and response measures, at a minimum:

- a. Maintain an organized inventory of materials on-site. Plainly label containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur.
- b. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas.
- c. Develop and implement employee and contractor training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Biddle ANGB shall conduct periodic training, no less than annually, and document the training on the Annual Report specified in paragraph B of this section.
- d. Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made.
- e. Notify appropriate facility personnel when a leak, spill, or other release occurs.
- f. To the extent possible, eliminate or reduce the number and amount of hazardous materials and waste by substituting non-hazardous or less hazardous materials of equal function, as determined by Biddle ANGB.
- g. Clean up leaks, drips, and other spills without using large amounts of water or liquid cleaners. Use absorbents for dry cleanup whenever possible.

D. Benchmark Values:

Biddle ANGB must monitor and report analytical results for the parameters listed on Part A on Discharge Monitoring Reports (DMRs) for outfall 003. The benchmark values listed below are not effluent limitations, and exceedances do not constitute violations. However, if Biddle ANGB’s sampling demonstrates exceedances of benchmark values for two consecutive monitoring periods, Biddle ANGB shall submit a corrective action plan within 90 days of the end of the monitoring period triggering the plan.

Parameters	Monitoring Requirements		Benchmark values
	Minimum Measurement Frequency ⁽¹⁾	Sample Type	
Total Suspended Solids (TSS) (mg/L)	1 / 6 months	Grab	100
Oil and Grease (mg/L)	1 / 6 months	Grab	30

Footnote

(1) This is the minimum number of sampling events required. Dischargers are encouraged to perform more than the minimum number of sampling events.

E. Routine Inspections.

- 1. Biddle ANGB shall visually inspect the following areas and BMPs on a semiannual basis (calendar periods), at a minimum:
 - a. Areas where industrial materials or activities are exposed to stormwater.
 - b. Areas identified in the PPC Plan as potential pollutant sources.
 - c. Areas where spills or leaks have occurred in the past three years.
 - d. Stormwater outfalls and locations where authorized non-stormwater discharges may commingle.
 - e. Physical BMPs used to comply with these Performance Criteria.

At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

2. Biddle ANGB shall evaluate and document the following conditions, at a minimum, in the Annual Report required by paragraph B of this section through required inspections:
 - a. Raw materials, products or wastes that may have or could come into contact with stormwater.
 - b. Leaks or spills from equipment, drums, tanks and other containers.
 - c. Off-site tracking of industrial or waste materials, or sediment where vehicles enter or exit the site.
 - d. Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas.
 - e. Control measures or BMPs needing replacement, maintenance or repair.
 - f. The presence of authorized non-stormwater discharges that were not identified in the application and non-stormwater discharges not authorized by these Performance Criteria.

F. Preparedness, Prevention and Contingency (PPC) Plan

1. Biddle ANGB shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (DEP ID 400-2200-001), its NPDES-specific addendum and the minimum requirements below.
 - a. The PPC Plan must identify all potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the facility.
 - b. The PPC Plan must describe preventative measures and BMPs that will be implemented to reduce or eliminate pollutants from coming into contact with stormwater resulting from routine site activities and spills.
 - c. The PPC Plan must address actions that will be taken in response to on-site spills or other pollution incidents.
 - d. The PPC Plan must identify areas which, due to topography or other factors, have a high potential for soil erosion, and identify measures to limit erosion. Where necessary, erosion and sediment control measures must be developed and implemented in accordance with 25 Pa. Code Chapter 102 and DEP's "Erosion and Sediment Pollution Control Manual" (DEP ID 363-2134-008).
 - e. The PPC Plan must address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants.
 - f. The PPC Plan must include a plan for training employees and contractors on pollution prevention, BMPs, and emergency response measures. This training must be conducted in accordance with paragraph C.4.c of this section.
 - g. If the facility is subject to SARA Title III, Section 313, the PPC Plan must identify releases of "Water Priority Chemicals" within the previous three years. Water Priority Chemicals are those identified in EPA's "Guidance for the Determination of Appropriate Methods for the Detection of Section 313 Water Priority Chemicals" (EPA 833-B-94-001, April 1994). The Plan must include an evaluation of all activities that may result in the stormwater discharge of Water Priority Chemicals.
 - h. Spill Prevention Control and Countermeasure (SPCC) plans may be used to meet the requirements of this section if the minimum requirements are addressed.
2. Biddle ANGB shall review and if necessary update the PPC Plan on an annual basis, at a minimum, and

when one or more of the following occur:

- a. Applicable DEP or federal regulations are revised, or these Performance Criteria are revised.
- b. The PPC Plan fails in an emergency.
- c. The facility’s design, industrial process, operation, maintenance, or other circumstances change in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency.
- d. The list of emergency coordinators or equipment changes.
- e. When notified in writing by DEP.

Biddle ANGB shall maintain all PPC Plan updates on-site, make the updates available to DEP upon request, and document the updates in Annual Reports.

G. Stormwater Monitoring Requirements.

- 1. Biddle ANGB shall conduct monitoring of its stormwater discharges at the representative outfalls identified in Part A of these Performance Criteria, if applicable. Biddle ANGB shall document stormwater sampling event information and no exposure conditions for each calendar year on the Annual Report required by paragraph B of this section.
- 2. Biddle ANGB shall, upon written notice from DEP, install inlets, pipes, and/or other structures or devices that are considered necessary in order to conduct representative stormwater sampling, in accordance with a schedule provided by DEP.
- 3. Biddle ANGB shall collect all grab samples within the first 30 minutes of a discharge, unless Biddle ANGB determines that this is not possible, in which case grab samples must be collected as soon as possible after the first 30 minutes of a discharge. Biddle ANGB shall explain why samples could not be collected within the first 30 minutes of any discharge on the Annual Report required by paragraph B of this section.
- 4. Biddle ANGB shall collect stormwater samples at times when commingling with non-stormwater discharges is not occurring or at locations prior to the commingling of non-stormwater discharges, unless Part A of these Performance Criteria recognizes commingling of stormwater and non-stormwater discharges.

III. Compliance schedule for Outfall 003:

The following compliance schedule and narratives are applicable for Outfall 003:

Collect samples from Outfall 003 and analyze the samples for PFOA, PFOS, and total PFOA and PFOS	From the effective date through December 31, 2023
Submit a written Report to PADEP describing the findings of the sample results	On or before March 31, 2024

- A. If the required sampling establishes and PADEP determines, based on its Reasonable Potential Analysis procedures and Best Professional Judgment, that there is no need for effluent limitations or monitoring requirements for PFOA, PFOS, and Total PFOA and PFOS for the discharge through Outfall 003, Biddle ANGB shall submit an amendment application by April 30, 2024 to amend the Performance Criteria to remove the effluent limitations and monitoring requirements for PFOA, PFOS, and Total PFOA and PFOS for the discharge through Outfall 003.
- B. If the required sampling establishes and PADEP determines, based on its Reasonable Potential Analysis procedures and Best Professional Judgment, that there is no need for effluent limitations for PFOA, PFOS, and Total PFOA and PFOS for the discharge through Outfall 003 but that a monitoring requirement is needed for

PFOA, PFOS, and Total PFOA and PFOS for the discharge through Outfall 003, Biddle ANGB shall submit an amendment application by April 30, 2024 to amend the Performance Criteria to remove the effluent limitations for PFOA, PFOS, and Total PFOA and PFOS for the discharge through Outfall 003.

C. If the required sampling establishes and PADEP determines, based on its Reasonable Potential Analysis procedures and Best Professional Judgment, that effluent limitations and monitoring requirements are needed for PFOA, PFOS, and Total PFOA, the following shall apply:

Prepare a comprehensive plan in consultation with EPA and PADEP specifying selected option of either re-routing of the flow to the permanent treatment plant or other alternative for the treatment of the discharge from Outfall 003 .	On or before June 30, 2024
If construction is needed for either treatment of the discharge from Outfall 003 or re-routing of the flow to the permanent treatment plant, award the winning bid for the proposed work	On or before March 31, 2025
Complete the construction work associated with previous item	On or before the end of 59 months from the effective date
Compliance with final effluent limitations set forth for Outfall 003	Beginning of 60 months from the effective date *

* If re-routing to the permanent treatment plant is selected as preferred method to meet the effluent limitations set forth for Outfall 003, Biddle ANGB shall submit an amendment application to remove Outfall 003 from the Performance Criteria on or before the end of 59 months from the effective date given that there will be no discharge through Outfall 003 in the future.