

Issuance Date: June 10, 2008

Effective Date: July 1, 2008

Expiration Date: June 30, 2011

STATE WASTE DISCHARGE PERMIT Number ST-8105

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
and
the Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.,
authorizes

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555 12th Street
Oakland, CA 94607

to discharge wastewater in accordance with the special and general conditions which follow.

Facility Address:

4949 Randolph Road NE
Moses Lake, WA 98837

Discharge Location

Latitude: 47° 10' 56" N
Longitude: 119° 18' 45" W

Publicly Owned Treatment Works (POTW) Receiving Discharge:

City of Moses Lake – Larson Wastewater Treatment Facility

Industry Type:

Data Center Facility

SIC Code: 7374

James M Bellatty
Water Quality Section Manager
Eastern Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Discharge Monitoring Report	Monthly	August 15, 2008
S4.A.	Operation and Maintenance Manual	1/permit cycle	October 31, 2008
S4.A.	O&M Manual Update or Review Confirmation Letter	Annually	Enter date of one year from effective date
S8.	Duty to Reapply	1/permit cycle	January 1, 2011

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit constitutes a violation of the terms and conditions of this permit.

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to the city of Moses Lake's Larson Wastewater Treatment Facility sewer system subject to the following limitations:

	EFFLUENT LIMITATIONS	
Parameter^b	Average Monthly	Maximum Daily^a
Flow	-----	8,600 gpd
pH	not less than 6.0 standard units (su) or greater than 11.0 su	
TSS		350 mg/l
^a The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. 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 other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		
^b Based off the monitoring requirements (S2) and data gather in this temporary permit, more parameter/pollutants' limitations may be added in the final permit. Some these parameters may be TDS, metals, and salts.		

S2. MONITORING REQUIREMENTS

A. Wastewater Monitoring

The Permittee shall monitor the cooling water according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow (avg, max)	gpd	effluent meter	continuous ¹	meter ²
pH (min, max)	su	pH meter	1/month ¹	grab ³
TSS	mg/l; lbs/day	effluent from cooling tower	1/month	24 hr composite ⁴
TDS	mg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Chlorine, Total Residual	mg/l	effluent from cooling tower	1/month	grab

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Sodium	mg/l	effluent from cooling tower	1/month	24 hr composite ⁴
NH ₃ (as N)	mg/l	effluent from cooling tower	1/month	24 hr composite ⁴
TKN (as N)	mg/l; lbs/day	effluent from cooling tower	1/month	24 hr composite ⁴
NO ₃ (as N)	mg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Sulfate	mg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Arsenic (As) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Cadmium (Cd) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Copper (Cu) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Lead (Pb) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Mercury (Hg) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Molybdenum (Mo) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Nickel (Ni) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Selenium (Se) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴
Zinc (Zn) (Total)	µg/l	effluent from cooling tower	1/month	24 hr composite ⁴

¹Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.

²Flow shall be estimated until such time as a flow meter can be installed.

³Grab samples for pH shall be performed at a minimum frequency of four (4) times per day at two (2) hour intervals.

⁴"24 hour composite" means a series of, at least six (6) individual samples collected over a 24-hour period at selected intervals based on an increment of either flow or time, and combined into a single container to be subsequently analyzed as one sample.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow and Ph Measurement

Appropriate flow and pH measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices must be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. The frequency of calibration must be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records must be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department must be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, pH, and internal process control parameters are exempt from this requirement. pH must be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to the Department constitutes a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results must be submitted monthly. Monitoring data obtained during the previous month must be summarized and reported on a form provided, or otherwise

approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) must be sent to the Department of Ecology, N. 4601 Monroe, Spokane, WA 99205.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original 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. This period of retention may be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring must be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee must:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department* and the local sewage treatment plant manager of the failure to comply; and

4. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

* Immediately notify means within 24 hours for any spill, overflow, bypass from any portion of the collection or treatment system or any condition that endangers human health or the environment. Immediately means 30 days for any other condition.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Dangerous Waste Discharge Notification

The Permittee must notify the POTW and the Department in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification must be made at least 90 days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee must notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

H. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee is at all times to be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual must be prepared by the Permittee in accordance with 173-240-150 WAC and be submitted to the Department for approval by October 31, 2008. The O&M Manual must be reviewed by the Permittee at least annually and the Permittee must confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual must be submitted to the Department whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual must be kept available at the permitted facility and all operators must follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual must include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).

The following information must be summarized in the initial chapter of the O&M Manual. This chapter must be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP must not conflict with the O&M Manual and must include the following information:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limitations of S1 at the production levels used in developing these limitations.
2. In the event of production rates, which are below the baseline levels used to establish these limitations, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the plan.
3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the plan.
4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

B. Bypass Procedures

The Permittee must immediately notify the Department and the receiving POTW of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause 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.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee must notify the Department and the receiving POTW in accordance with condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by the Department. The Permittee must notify the Department and the POTW at least 30 days before the planned date of bypass. The notice must contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by the Department prior to the bypass.

S5. PROHIBITED DISCHARGES

A. General Prohibitions

The Permittee must not introduce into the POTW pollutant(s) which cause Pass Through or Interference.

B. Specific Prohibitions

In addition, the following must not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
8. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited unless approved by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
 - a. Noncontact cooling water in significant volumes.
 - b. Storm water and other direct inflow sources.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

S6. DILUTION PROHIBITED

The Permittee must not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

S7. DUTY TO REAPPLY

The Permittee must apply for permit renewal insert date at least 180 days before the expiration of the permit.

S8. NON-ROUTINE AND UNANTICIPATED DISCHARGES

Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee must contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water must be analyzed for all constituents limited for the Permittee's discharge. The analysis must also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. All discharges must comply with the effluent limitations as established in Condition S1 of this permit, and any other limitations imposed by the Department.

5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute.

The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department must be signed as follows:

- A. All permit applications must be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section must make the following certification:

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

G2. RIGHT OF ENTRY

Representatives of the Department must have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable time includes normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the

Department must be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit is subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee must submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application must be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to subsection A above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee must control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the effluent stream for discharge.

G10. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G11. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit is guilty of a crime, and upon conviction thereof will be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit will incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is a separate and distinct violation.