

OHIO ENVIRONMENTAL PROTECTION AGENCY

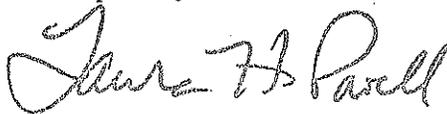
**GENERAL PERMIT AUTHORIZATION TO DISCHARGE WASTEWATER AND
STORM WATER FROM COAL SURFACE MINING ACTIVITIES UNDER
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111), discharges of waste water, as defined in Part I.B. of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the outfalls at the sites and to the receiving waters identified in the applicant's Notice of Intent (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts I through VI of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the State of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

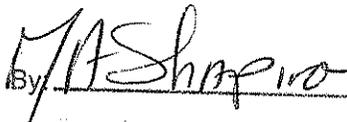
Granting of permit coverage is conditioned upon payment of applicable fees and submittal of the Notice of Intent form. Permit coverage is effective only after the applicant receives written notice from the Director that coverage is granted.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA.



Laura H. Powell
Assistant Director

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By:  Date: 11/20/08

OHIO ENVIRONMENTAL PROTECTION AGENCY

NOV 20 2008

OHIO EPA

Part I. COVERAGE UNDER THIS PERMIT

- A. Permit Area.** This permit covers the entire state of Ohio.
- B. Eligibility.** This permit addresses discharges associated with active coal surface mining covered by 40 CFR 434 and associated storm water discharges required to obtain an NPDES permit by 40 CFR 122.26. Coal preparation plant and underground mining related wastewater discharges are not eligible for coverage under this general permit. Coal surface mines using anhydrous ammonia or mines that would discharge within 500 yards upstream of a water supply plant intake are not eligible for coverage under this general permit. Sanitary discharges are not covered by this permit. Discharges not previously authorized by OHM000001 to state surface waters designated as Outstanding National Resource Waters, Superior High Quality Waters and Outstanding State Waters are not eligible for coverage under this general permit. Also discharges that the Director determines may cause or contribute to a violation of water quality standards are not eligible for coverage under this general permit. Discharges from activities other than those covered by this general permit may require an individual NPDES permit or NPDES Storm Water Permit.
- C. Authorization.** Dischargers of water from coal surface mining operations must submit a Notice of Intent (NOI) on a form provided by the Director of Ohio EPA, in accordance with the requirements of Part II of this permit. After the NOI form is reviewed by Ohio EPA the permittee shall be notified as to Ohio EPA's approval or denial for coverage under this general permit. Authorization to discharge under this permit is contingent upon written approval from the Director of Ohio EPA. The Director of Ohio EPA may require submittal of an application for an individual NPDES permit for the coal surface mining operation based on a review of the NOI or other information.

Part II. NOTICE OF INTENT (NOI) AND NOTICE OF TERMINATION (NOT) REQUIREMENTS

- A. Deadlines for Notification.** Individuals who intend to obtain coverage under this general permit for discharges of water from coal surface mining operations shall submit an NOI form 45 days prior to the date they intend to initiate ground disturbing activities. In an event of transfer, sale, or assignment of the rights to an existing coal surface mining permit, the new coal mining permittee must submit a general NPDES transfer form in accordance with the requirements of this part at least 60 days prior to the effective date of the transfer, sale, or assignment. An operator may submit an NOI in accordance with the requirements of this part after the timeframe previously specified. In such instances, Ohio EPA may bring an enforcement action for any previously unpermitted discharges for which coverage is being sought under this permit that occurred prior to coverage being granted.
- B. Failure to Notify.** Dischargers of water from coal surface mining operations who fail to submit an NOI for coverage under this general permit and secure coverage under this permit or to secure an individual permit are in violation of Ohio Revised Code Chapters 6111 and 1513.
- C. Contents of Notice of Intent.** The applicant shall complete and submit an approved NOI form provided by Ohio EPA. The Notice of Intent shall include the information required by the NOI form and its instruction sheet.
- D. Where to Submit.** The complete and signed NOI, on the form provided by Ohio EPA, shall be submitted to Ohio EPA at the following address:

**Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049**

- E. Renotification.** Upon issuance of a new or alternate general permit, the permittee shall notify the Director of its intent to be covered by the new, renewed, or alternate general permit in accordance with the written instructions provided by Ohio EPA regarding renotification. Coverage under this general permit shall terminate within 90 days of Ohio EPA's instructions regarding renotification.
- F. Termination.** Ohio EPA shall revoke or otherwise terminate coverage under this general permit when the permittee submits a Notice of Termination that is signed in accordance with Part V.D. of this permit. An NOT shall be submitted upon final bond release by the Ohio Department of Natural Resources-Division of Mineral Resource Management ODNR-DMRM. The permittee shall use an NOT form provided by the Director of Ohio EPA.

The Notice of Termination, shall be submitted to the following address:

**Ohio Environmental Protection Agency - DSW
NPDES Coal General Permit Program
P.O. Box 1049
Columbus, Ohio 43216-1049**

Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Table 1

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls**.

<u>Effluent Characteristic</u>			<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
Reporting Code/Units	Parameter	Specify Units	Concentration		Loading		Measurement Frequency*	Sample Type
			30-Day	Daily	30-Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00530	MG/L	Total Suspended Solids	35	70	-	-	Monthly	Grab
74010	MG/L	Total Iron	3.0	6.0	-	-	Monthly	Grab
74013	MG/L	Total Manganese	2.0	4.0	-	-	Monthly	Grab
00095	umhos/cm	Specific Conductance	-	-	-	-	Monthly	Grab
00045	inches	Total Precipitation	-	-	-	-	1/Month	Total

See the following tables for alternative limitations and monitoring requirements applicable during precipitation events.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U.*** nor greater than 9.0 S.U. and shall be monitored weekly* by grab sample.

* During discharge, for months when no discharge occurs report "AL" on the DMR.

** These requirements apply to discharges from the following:
 a. controlled surface mine drainage; and
 b. non-controlled surface mine drainage (including steep slope and mountaintop removal areas).

*** See Part III. B. 8. for alternative pH minimum.

Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Alternative Table 2

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls**.

<u>Effluent Characteristic</u>			<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
Reporting Code/Units	Parameter	Concentration Specify Units	Loading		Measurement Frequency*	Sample Type		
			30-Day	Daily				30-Day
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Settleable Solids	-	0.5	-	-	Monthly	Grab
74010	MG/L	Total Iron	-	7	-	-	Monthly	Grab
00095	umhos/cm	Specific Conductance	-	-	-	-	Monthly	Grab
00045	inches	Total Precipitation	-	-	-	-	1/Month	Total

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U.*** nor greater than 9.0 S.U. and shall be monitored weekly* by grab sample.

* During discharge, for months when no discharge occurs report "AL" on the DMR.

** These alternative requirements apply to discharges from non-controlled surface mine drainage (except steep slope and mountain removal areas) when a discharge is the result of a precipitation event less than or equal to a 2-year, 24-hour event.

*** See Part III. B. 8. for alternative pH minimum.

Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Alternative Table 3

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls**.

<u>Effluent Characteristic</u>			<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
Reporting Code/Units	Parameter	Specify Units	Concentration		Loading		Measurement Frequency*	Sample Type
			30-Day	Daily	30-Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Settleable Solids	-	0.5	-	-	Monthly	Grab
00095	umho/cm	Specific Conductance	-	-	-	-	Monthly	Grab
00045	inches	Total Precipitation	-	-	-	-	1/Month	Total

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U.*** nor greater than 9.0 S.U. and shall be monitored weekly* by grab sample.

* During discharge, for months where no discharge occurs report "AL" on the DMR.

** These alternative requirements apply to discharges from the following:
 a. non-controlled surface mining (except steep slope and mountaintop removal areas) that are caused by a precipitation event greater than a 2-year, 24-hour event but less than or equal to a 10-year, 24-hour event;
 b. steep slope or mountaintop removal areas that are caused by a precipitation event less than or equal to a 10-year, 24-hour event; and
 c. reclamation areas (the permittee may discontinue monitoring upon Phase II bond release).

*** See Part III.B.8. for alternative pH minimum.

Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Alternative Table 4

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls**.

<u>Effluent Characteristic</u>			<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
Reporting Code/Units	Parameter	Specify Units	Concentration		Loading		Measurement Frequency*	Sample Type
			30-Day	Daily	30-Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00095	umhos/cm	Specific Conductance	-	-	-	-	Monthly	Grab
00045	inches	Total Precipitation	-	-	-	-	1/Month	Total

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U.*** nor greater than 9.0 S.U. and shall be monitored weekly* by grab sample.

* During discharge, for months where no discharge occurs report "AL" on the DMR.

** These alternative requirements apply to discharges caused by precipitation events greater than a 10-year, 24-hour event from the following:

- a. controlled surface mine drainage;
- b. non-controlled surface mine drainage (including steep slope or mountaintop removal areas); and
- c. reclamation areas (the permittee may discontinue monitoring upon Phase II bond release).

*** See Part III.B.8. for alternative pH minimum.

Part III.B. SPECIAL EFFLUENT LIMITATIONS AND MONITORING CONDITIONS

1. Grab samples shall be collected at such times and locations and in such a fashion as to be representative.
2. Samples taken in compliance with effluent monitoring requirements shall be collected following treatment if provided and prior to entering receiving streams.
3. For each monthly report form submitted to Ohio EPA the source of the discharge shall be identified in the remarks section of the form (i.e., controlled surface mine drainage, non-controlled surface mine drainage, steep slope and mountaintop removal areas, or reclamation areas.) When monitoring of wastewater from a reclamation area is discontinued by the permittee due to Phase II bond release the permittee shall notify Ohio EPA by letter providing outfall number.
4. Where wastestreams subject to 40 CFR 434 covered by this permit are combined for treatment or discharge with other wastestreams subject to 40 CFR 434 covered by this permit the concentration of each pollutant in the combined wastestream may not exceed the more stringent limitation for the pollutant appropriate to any component wastestream of the discharge.
5. For any day alternative effluent limitations and monitoring requirements are being sought note those days and associated alternative tables (2-4) in the remarks section of the monthly report form.
6. When seeking alternative effluent limitations the operator shall prove that the discharge or increase in the discharge was caused by the applicable precipitation event, and that the samples of the discharge for all parameters were collected during, or within 24 hours after, the applicable precipitation event.

The following information must be submitted by the permittee as proof to qualify for the alternative effluent limitations.

- a. Date, Duration (Time Begin/Time End), and total 24-hour accumulation (inches) of the precipitation event that caused the discharge or increase in volume of the discharge.
- b. Date and time that grab samples were collected.

Precipitation events are defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional rainfall probability information.

This information shall be submitted as an addendum with the monthly operating reports where the alternative requirements are being requested.

7. The proposed facility shall be constructed in accordance with an approved ODNR-DMRM coal mining permit for this area.
8. The permittee may comply with an alternative pH minimum of 6.0 S.U. in lieu of 6.5 S.U. at its outfall through an individual NPDES permit if it can demonstrate no instream pH impact from its discharge. In such cases, the permittee would be required to provide pH data for its outfall and a monitoring point upstream and downstream of its outfall. If upstream or downstream monitoring locations are not feasible, the permittee may propose to Ohio EPA an alternative mechanism to demonstrate instream pH is unimpacted by its discharges. If an operator is interested in the alternative pH minimum, contact Ohio EPA Central Office Coal General Permit Program for instructions.

Part IV. STORM WATER POLLUTION PREVENTION PLAN

A storm water pollution prevention plan (plan) shall be developed for each site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify and address potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges that come into contact with any overburden, raw material, intermediate product, finished product, or waste product, from haul roads, exempt small drainage areas, railroad spurs, sidings, internal haulage lines, conveyor belts, chutes, aerial tramway haulage areas, equipment storage, maintenance yards, and coal handling buildings and structures. Wastestreams subject to effluent limitations contained in Part III of this permit do not need to be addressed by the plan. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water at the site and to assure compliance with the terms and conditions of this permit. Prior to any discharges from the coal mining site covered by this permit, entities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit. This plan may incorporate by reference other plans, management practices, or permits that address these concerns as long as the plan required under this permit and those referenced are kept at the same location.

A. Deadline for Plan Preparation and Compliance.

1. The plan for storm water discharges that were existing on or before October 1, 1992, or that commence on or before April 1, 1993:
 - a. shall be prepared on or before April 1, 1993 (and updated as appropriate); and
 - b. shall provide for implementation and compliance with terms of the plan on or before October 1, 1993;
2. The plan for discharges that commence after April 1, 1993 shall be prepared and provide for compliance with the terms of the plan and this permit, upon the initialization of ground disturbing activities including clearing, grading and excavating.

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part V.D., and be retained on-site at the facility that generates the storm water discharge.
2. The permittee shall make plans available upon request to the Ohio EPA Director, or authorized representative, or Regional Administrator of U.S. EPA.
3. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.
4. All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the Act. The permittee may choose to fulfill such requests by allowing viewing of the plan at its facilities, or choosing to copy the plan and sending it to the party making the request. The permittee may charge the party making the request a reasonable fee for copying the plan. The permittee may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2 and does not have to release any portion of the plan describing facility security measures.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2. of this permit, or otherwise achieving the general objectives of controlling pollutants in storm water. Amendments to the plan may be reviewed by Ohio EPA in the same manner as Part IV.B. above.

D. Contents of Plan. The plan shall include, at a minimum, the following items:

1. **Pollution Prevention Team.** Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
2. **Description of Potential Pollutant Sources.** Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall

identify all activities and significant materials that may potentially be significant pollutant sources. Each plan shall include, at a minimum:

- a. Drainage.
 - i. A site map, such as a drainage map required for an ODNR coal mining permit, indicating an outline of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part IV.D.2.c. of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
 - ii. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants that are likely to be present in storm water discharges associated with industrial activity. Flows with a significant potential for causing erosion shall be identified.
 - b. Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of: significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; the method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the effective date of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and any treatment the storm water receives.
 - c. Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility since three years prior to the effective date of this permit.
 - d. Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility.
 - e. Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources at the flowing areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand) of concern shall be identified.
3. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
- a. Good Housekeeping. Good housekeeping requires the maintenance of a clean, orderly facility.
 - b. Preventative Maintenance. A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
 - c. Spill Prevention and Response Procedures. Areas where potential spills can occur, and their accompanying drainage points, shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a cleanup should be available to personnel.
 - d. Inspections. In addition to or as part of the comprehensive site evaluation required under Part IV.D.4. of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

- e. **Employee Training.** Employee training programs shall inform personnel at all levels of responsibility of the component and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - f. **Recordkeeping and Internal Reporting Procedures.** A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
 - g. **Non-Storm Water Discharges.**

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria of testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at this site. Sources of wastewater authorized by this NPDES or another NPDES permit are legally authorized discharges and are not required to be addressed by the plan.
 - h. **Sediment and Erosion Control.** The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.
4. **Comprehensive Site Compliance Evaluation.** Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:
 - a. Material handling areas and other potential sources of pollution identified in the plan in accordance with paragraph IV.D.2. of this permit shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment shall be made.
 - b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with paragraph IV.D.2. of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph IV.D.3. of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.
 - c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph IV.D.4.b. of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Part V.D. of this permit.
 5. **Additional requirements for storm water discharges associated with industrial activity through NPDES permitted municipal separate storm sewer systems.** In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that received the facility's discharge, provided the discharger has been notified of such conditions.
 6. **Consistency with Other Plans.** Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the Act or Best Management Practices (BMP) Programs otherwise required by an NPDES permit for the facility as long as such requirement is incorporated, which can be by reference, into the storm water pollution prevention plan.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and is grounds for enforcement action or revoking or denying coverage under a renewal of this general permit.
2. Penalties for Violations of Permit Conditions.
 - a. Criminal.
 - i. Ohio Revised Code Section 6111.99 provides that any person who violates permit conditions is subject to a fine or imprisonment.
 - ii. False Statement. No person shall knowingly make any false statement in violation of Ohio Revised Code Section 2921.13. A false statement includes any false representation, or certification in any application, record, report, plan, or other document filed or required to be maintained. A false statement also includes knowingly falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained under the Act. Upon conviction of knowingly making a false statement, a person shall be punished by a fine or by imprisonment for not more than six months, or both.
 - b. Civil Penalties. Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues to be in force and effect until a new general permit is issued.

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

D. Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications and information either submitted to the Director (and/or the operator of a municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs 1 through 2.d.

1. All Notices of Intent and Notices of Termination shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation and who has authority to sign documents on behalf of the corporation; or (ii) the manager of one or more manufacturing, production or operating facilities, employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor respectively; or
 - c. For a municipality or State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes: (i) the chief executive officer of the agency; or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).
2. All reports required by the permit and other information requested by the Director shall be signed by a person described in paragraph 1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if all of the following apply:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

- c. Changes to authorization. If an authorization under paragraph V.D.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.D.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing documents under this Part shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- E. **Transfers.** Ohio NPDES general permit coverage is transferrable. The following information must be submitted to transfer general permit coverage. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part V.F.

This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility until an NPDES general permit transfer form is forwarded to the Ohio EPA Central Office at:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

The form will serve as the permittee’s notice to the Director of the proposed transfer. The form shall be received by the Ohio EPA Central Office sixty days prior to the proposed date of the transfer;

At any time during the 60-day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

- F. **Requiring an individual permit or an alternative general permit.**

- 1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may notify the operator in writing that an application for an individual permit is required. This notice shall include a statement of the reasons for this decision, an application form, a statement setting a deadline for the operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the Ohio EPA Division of Surface Water. If the operator does not apply for an individual or alternative general permit within ninety days of receiving written notification from the Director to submit such an application to Ohio EPA, then the existing general permit coverage for that operator is terminated. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.
- 2. Any operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The operator shall submit an individual application (Form 1 and Form 2C, 2D, 2E , or 2F) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the Ohio EPA Division of Surface Water. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the operator are adequate to support the request (see Part I.C.).
- 3. When an individual NPDES permit is issued to an operator otherwise subject to this permit, or the operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If an individual permit holder believes the discharge could be covered by this general permit, the operator must submit an NOI (see Part II.C.) for coverage under this general permit and submit a request to the Ohio EPA Division of Surface Water, for the Director to either revoke the existing individual permit or approve No Permit Required (NPR) for the existing individual permit.

- G. **Other Laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other statutes or regulations.

- H. **Inspection and Entry.** The permittee shall allow the Director or an authorized representative of Ohio EPA or other designated representative or, in the case of a facility that discharges through a municipal separate storm sewer, an

authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credential and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Ohio Revised Code Chapter 6111, any substances or parameters at any location.

I. Upsets.

1. For the definition of "upset" see Part VI., Definitions.
2. An upset constitutes an affirmative defense to an action brought for non-compliance with a technology-based permit effluent limit if the requirements of paragraph V.I.3. of this permit are met. No determination made during administrative review of claims that non-compliance was caused by upset, and before an action for non-compliance, is a final action subject to judicial review.
3. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required by Part V., paragraph S. of this permit; and
 - d. The permittee complied with any remedial measures required under Part V., paragraph T. of this permit.
4. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proving the conditions of paragraphs V.I.3.a. through V.I.3.d.

J. General Effluent Limitations. The effluent shall, at all times, be free of substances:

1. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life;
2. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
3. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
4. In amounts that either singly or in combinations with other substances are toxic to human, animal or aquatic life;
5. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
6. In amounts that will impair designated instream or downstream water uses.

K. Facility Operation and Quality Control. All wastewater treatment works shall be operated in a manner consistent with the following:

1. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with conditions of this permit.
2. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity of the treated discharge.

3. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the Ohio EPA as specified in the Paragraph in the Part V. entitled, "UNAUTHORIZED DISCHARGES".

L. Reporting.

1. Monitoring data required by this permit shall be submitted on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. A link to the eBusiness Center is found on the following web page: <http://www.epa.state.oh.us/dsw/swims/eDMR/eDMR.html>.

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

2. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e., a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:
 - a. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For partnerships - a general partner;
 - c. For a sole proprietorship - the proprietor; or
 - d. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page: <http://www.epa.state.oh.us/dsw/swims/eDMR/eDMRpin.html>.

3. DMRs submitted via e-DMR shall be transmitted to Ohio EPA by the 20th day of the month following the month-of-interest. Paper DMRs shall be received by Ohio EPA no later than the 15th day of the month following the month-of-interest. The original signed paper DMR form shall be mailed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water - PCU
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Regardless of the submission method, a copy of the submitted Ohio EPA 4500 DMR must be signed by a Responsible Official or a Delegated Responsible Official and maintained onsite for records retention purposes (see Section O., RECORDS RETENTION). For e-DMR users, a copy of the DMR can be printed from the e-DMR.
5. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section M., SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.
6. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to Ohio EPA, but records shall be retained as specified in Section O., RECORDS RETENTION.

M. Sampling and Analytical Methods. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to "Test Procedures For The Analysis of Pollutants", set forth in 40 CFR 136, unless other test procedures have been specified in

this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

N. Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The exact place and time of sampling (time of sampling not required on Ohio EPA forms);
2. The person(s) who performed the sampling or measurements;
3. The date the analyses were performed on those samples;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses and measurements.

O. Records Retention. The permittee shall retain all of the following records for the facility regulated under this general permit for a minimum of three years, including:

1. All sampling and analytical records (including internal sampling data not reported);
2. All original recordings for any continuous monitoring instrumentation;
3. All instrumentation, calibration and maintenance records;
4. All plant operation and maintenance records;
5. All reports required by this permit; and
6. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application.

These periods will be extended during the course of any unresolved litigation with Ohio EPA or U.S. EPA, or when requested by the Regional Administrator or Ohio EPA. The three-year period for retention of records shall start from the date of sample, measurement, report or application.

P. Availability of Reports. Except for data determined by Ohio EPA to be entitled to confidentiality, all reports prepared in accordance with the terms of this permit shall be available for public inspection at Ohio EPA offices. Both the Clean Water Act and Section 6111.05 of the Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

Q. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information that the Director may request to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept in accordance with this permit.

R. Unauthorized Discharges.

1. Bypassing or diverting of wastewater from the treatment works is prohibited unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submits notice of an unanticipated bypass as required by Part V., Item S. (24-hour notice).
2. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.
3. The Director may approve an unanticipated bypass, after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph R.1. of this section.
4. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation. The permittee shall monitor the effluent quality during these episodes at any frequency necessary to accurately and fully characterize the event.

S. Noncompliance Notification.

1. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:
 - a. Any noncompliance that may endanger health or the environment;
 - b. Any unanticipated bypass that exceeds any effluent limitation in the permit;
 - c. Any upset that exceeds any effluent limitation in the permit; or
 - d. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

2. For the telephone reports required by paragraph S.1., the following information must be included:
 - a. The times at which the discharge occurred, and was discovered;
 - b. The approximate amount and the characteristics of the discharge;
 - c. The stream(s) affected by the discharge;
 - d. The circumstances that created the discharge;
 - e. The names and telephone numbers of the persons who have knowledge of these circumstances;
 - f. What remedial steps are being taken; and
 - g. The names and telephone numbers of the person responsible for such remedial steps.
3. Within five days of the discharge, these telephone reports shall be confirmed in a written report and submitted to the Ohio EPA Division of Surface Water. The report shall include the following:
 - a. The limitations(s) that has been exceeded;
 - b. The extent of the exceedance(s);
 - c. The cause of the exceedance(s);
 - d. The period of the exceedance(s) including exact dates and times;
 - e. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and
 - f. Steps being taken to reduce, eliminate, and/or prevent recurrence of the exceedance(s).
4. The permittee shall report all instances of noncompliance not required to be reported under paragraphs 1, 2 or 3 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs 2 and 3 of this section.
5. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit the relevant application and correct information.

T. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

U. Discharge Changes.

1. The following changes must be reported to the Ohio EPA Division of Surface Water as soon as practicable.
 - a. For all treatment works, any significant change in character of the discharge that the permittee knows or has reason to believe has occurred or will occur and that would constitute cause for modification or revocation and reissuance.
 - b. For publicly owned treatment works:
 - i. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant; and
 - ii. Changes in the quantity or quality of the wastes from existing tributary industrial dischargers that will result in significant new or increased discharges of pollutants.
 - c. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications that will result in new, different, or increased discharges of pollutants.
2. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.
3. Following this notice, a determination will be made as to whether the permit should remain unchanged or be terminated. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45 of the Ohio Revised Code require that plans for treatment works or improvements to such works be approved by the Director of Ohio EPA prior to initiation of construction.
4. In addition to the reporting requirements under 40 CFR 122.41(1) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur that would result in the discharge on a routine or frequent basis of any toxic pollutant that is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
 - b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

V. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions,

even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

W. Permit Revocation.

1. After notice and opportunity for a hearing, permit coverage may be revoked by Ohio EPA during its term for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this permit;
 - b. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
 - d. Obtaining coverage under an individual or alternative general permit is required (see Part V.F.).
2. The filing of a request by the permittee for permit coverage termination does not stay any permit condition. See Part II.F. for requirements regarding Notice of Termination (NOT).

X. Oil and Hazardous Substance Liability. With the exception of full compliance with the effluent limitations found in this general permit, nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Act.

Y. Solids Disposal. Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

Z. Construction Affecting Navigable Waters. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

AA. Civil and Criminal Liability. Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

AB. State Laws and Regulations. Nothing in this permit shall be construed to preclude the institution of any legal action against the permittee nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

AC. Property Rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

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

AF. Pollution Prevention.

It is suggested that, if applicable the permittee should evaluate potential prevention methods and install the latest pollution prevention technology if it is economically feasible. If pollution prevention methods are currently being used, it is suggested that they be re-evaluated; the latest pollution prevention technology should be installed if applicable, necessary, and economically feasible.

Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner.

You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and the Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual, please contact Ohio EPA, Office of Compliance Assistance & Pollution Prevention at (614) 644-3469.

PART VI. DEFINITIONS

“Absolute Limitations.” Compliance with limitations having descriptions of “shall not be less than,” “nor greater than,” “shall not exceed,” “minimum,” or “maximum” shall be determined from any single value for effluent samples and/or measurements collected.

“Act” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4 33 U.S.C. 1251 et seq.

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

“Daily concentration limitation” means the arithmetic average (weighted by flow) of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration.

“Daily load limitation” is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

“Director” means the Director of Ohio EPA or an authorized representative.

“Flow-weighted composite sample” means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

“Free product” means the discharge of crude oil or petroleum products not associated with or mixed with storm water. The discharge of free product would normally occur as the result of a major pipeline break or equipment failure and would not be the result of normal operations.

“GPD” means gallons per day.

“Grab sample” means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility’s performance.

“Hydrostatic test water” means water placed in a vessel (pipeline, tank, etc.), and raised to greater than atmospheric pressure, in order to check for leaks and/or the structural integrity of the vessel.

“Incidental amounts of product” means small quantities of crude oil and/or petroleum products that may be spilled or released at the facility during normal operations. It does not include significant product releases due to major pipeline breaks or facility equipment failure.

“MG/L” means milligrams per liter.

“ML/L” means milliliters per liter.

“Municipal separate storm sewer system” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is:

- (a) owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flow control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Act that discharges into surface waters of the state;
- (b) designated or used for collecting or conveying solely storm water;
- (c) not a combined sewer; and
- (d) not part of a publicly owned treatment works.

“National Pollutant Discharge Elimination System (NPDES)” means a discharge permit issued by the State of Ohio pursuant to the Ohio Revised Code Chapter 6111. The State program is authorized under the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the Clean Water Act. The term includes an “approved program”.

“Net concentration” means the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substance in a sample taken at the intake that supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

“Net load” means the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake that supplies water to a given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

“NOI” means notice of intent.

“NOT” means notice of termination.

“Point source” means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

“Quarterly sampling frequency” means the sampling shall be done in the months of March, June, August, and December.

“Receiving waters” means the waters of the state into which point and non-point sources flow.

“Reporting code” is a five digit number used by Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

“Semi-annual sampling frequency” means the sampling shall be done during the months of June and December.

“Severe property damage” means substantial physical damage to property, damage to the treatment facilities that would cause 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.

“Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Summer” shall be considered to be the period from May 1 through October 31.

“Time-weighted composite” means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

“Tributary” means a stream flowing into a larger body of water.

“umhos/cm” means micromhos per centimeter.

“Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

“Waters of the state” means all streams, lakes, reservoirs, ponds, marshes, wetlands, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface waters.

“Winter” shall be considered to be the period from November 1 through April 30.

“Yearly sampling frequency” means the sampling shall be done in the month of September.

“7-day concentration limitation” means the arithmetic average (weighted by flow) of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration limitation for the 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

“7-day load limitation” is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

“30-day concentration limitation” means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

“30-day load limitation” is the total discharge by weight during any 30-day period divided by the number of days in the 30-day period that the facility was in operation. If only one sample is taken in a 30-day period, the weight of pollutant discharge calculated from it is the 30-day load. If more than one sample is taken during one 30-day period, the 30-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 30-day period and dividing by the number of days sampled.

“1-year, 2-year, and 10-year, 24-hour precipitation events” means the maximum 24-hour precipitation event with a probable recurrence interval of once in one, two, and ten years respectively as defined by the National Weather Service and Technical Report No. 40 “Rainfall Frequency Atlas of the U.S.”, May 1961, or equivalent regional or rainfall probability information developed therefrom.