

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.

Issue Date: August 27, 2020

By:  Date: _____

Effective Date: September 1, 2020

8/27/2020

Expiration Date: August 31, 2025

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION FOR DISCHARGES
ASSOCIATED WITH COAL SURFACE AFFECTMENT ACTIVITIES
FOR FACILITIES WITH NO REASONABLE POTENTIAL FOR TOTAL
DISSOLVED SOLIDS

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 Chapter 6111), discharges of wastewater, 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 application (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.

This permit 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 (see Part II).



Laurie A. Stevenson
Director

Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit covers eligible facilities within the Ohio river basin of the state of Ohio.

B. Eligibility. This permit addresses discharges associated with surface affectment for coal mining operations covered by 40 CFR 434 (excluding 434.52(b), 434.53(b), 434.55(b), and Subpart H) and associated storm water discharges required to obtain an NPDES permit by 40 CFR 122.26. Discharges from activities other than those covered by this general permit will require an individual NPDES permit, or if eligibility criteria are met, a different general NPDES permit.

1. The following discharges are eligible for coverage under this general permit:

a. Discharges associated with activities conducted on the surface of lands in connection with a coal mine, in connection with the removal of coal from coal refuse piles, development of coal refuse disposal sites prior to the placement of any coal refuse, surface mining impacts associated with preparation of an underground coal mine, and surface impacts associated with the preparation of a coal preparation plant. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, box cut, and area mining. Such activities also include the loading of coal at or near the mine site.

b. The discharges associated with areas upon which such activities occur or where such activities disturb the natural land surface. Such areas include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or improvement or use of existing roads to gain access to the site of such activities, and for hauling, excavation, impoundments, dams, ventilation shafts, entryways, dumps, stockpiles, overburden piles, spoil banks, holes or depressions, repair areas, storage areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities.

2. The following discharges are not eligible for coverage under this general permit:
- a. In situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal;
 - b. Discharges from coal refuse disposal;
 - c. Discharges from underground mine workings;
 - d. Discharges from surface mines using anhydrous ammonia or mines that would discharge within 500 yards upstream of a water supply plant intake;
 - e. Discharges from steep slope or mountaintop mining operations;
 - f. Sanitary discharges;
 - g. Discharges to state surface waters designated as Outstanding National Resource Waters, Superior High Quality Waters and Outstanding State Waters;
 - h. Discharges located upstream of Outstanding National Resource Waters, Superior High Quality Waters and Outstanding State Waters unless it can be demonstrated there will not be an adverse impact on the water quality;
 - i. Activities not covered by the Surface Mining Control and Reclamation Act;
 - j. Discharges the Director determines have the reasonable potential to cause or contribute to a violation of water quality standards;
 - k. Discharges from new coal mines; and
- l. Discharges to waters listed as impaired due to total dissolved solids.

If the director determines that any discharge has the reasonable potential to cause or contribute to excursions above narrative water quality standards for acute toxicity using the procedures in OAC 3745-33-07(B), that discharge is not eligible for coverage under this permit. The following items can also assist in this determination:

- Any available toxicity test results for the facility
- Any applicable biological data
- Any available DMR data for chloride, sulfate or other applicable parameter for the facility.

The above discharges will require applying for an individual NPDES permit, or if eligibility criteria are met, a different general NPDES permit.

C. Authorization.

1. Dischargers of pollutants from coal surface affectment activities 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 affectment operation based on a review of the NOI or other information.

2. The Director shall determine whether any of the discharges requested in an NOI have the reasonable potential to cause or contribute to excursions above the water quality criteria for total dissolved solids (TDS) and metals using available effluent data. Discharges that do not have reasonable potential will be assigned the limits and monitoring requirements for Outfalls 001 and Outfall 100. Discharges that have reasonable potential are not eligible for this permit.

3. Reasonable Potential Procedure

If the discharge's projected effluent concentration (PEQ) for any parameter is greater than or equal to the Water Quality Standards (WQS) as determined using six or more sample results, or that have any effluent concentrations greater than or equal to the WQS based on fewer than six sample results, the discharge has the reasonable potential to cause or contribute to excursions above the water quality criteria. This assessment may use specific conductance data in the absence of TDS data by multiplying the conductance data by a factor of 15/24. This assessment is based on existing discharge data for existing dischargers. In cases where a permittee has multiple discharges, the determination of reasonable potential will be made based on the outfall with the highest PEQ.

4. To the extent the site contains waters of the state that the permittee is proposing to impact with fill material and the permittee has not obtained appropriate coverage and/or permit approval from Ohio EPA, and, if applicable, the United States Army Corps of Engineers at the time coverage under this permit is granted, the permittee shall maintain a 100 foot buffer measured horizontally from the stream banks. In the event the permittee has obtained an approved Buffer Zone Variance Request from Ohio Department of Natural Resources pursuant to 1501: 13-01 through 1501: 13-14 of the Ohio Administrative Code, the 100 foot stream buffer may be reduced to the approved Buffer Zone Variance Request or the minimums required in this permit, whichever is larger. The minimum buffer for this permit being 50 feet for all mining activities and/or 25 feet for purposes of sediment and erosion control implementation.

All physical, chemical and biological assessments required for a 401 approval must be submitted to the 401 section prior to authorized stream buffer disturbances. The permittee should be aware that considerations made under a federal 404 permit (i.e., secondary and cumulative impacts and minimization of impacts) may result in more restrictive permit conditions in the buffer zones. Coordination with the United States Army Corps of Engineers, if applicable, should occur prior to stream buffer disturbances.

Permittee shall maintain a 100 foot buffer around all wetlands measured horizontally from the wetland edges pending approval of a state water quality certification or permit and permit authorization from the United States Army Corps if applicable. Conveyance from treatment structures are allowed so long as such conveyances minimize the disturbance within the buffer zone.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification. Individuals who intend to obtain coverage under this general permit for discharges of pollutants from coal surface affectment activities shall submit an NOI form at least 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 affectment 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.

B. Failure to Notify. Any discharges from a surface coal mine and its associated areas without a general NPDES permit or an individual NPDES permit is in violation of Ohio Revised Code Chapter 6111 and the Clean Water Act.

C. Contents of Notice of Intent.

1. The applicant shall submit a complete and acceptable NOI and all applicable fees. Failure to follow the NOI instructions may result in the NOI being returned to the applicant. The NOI electronic application form is available through the Ohio EPA eBusiness Center at:

<https://ebiz.epa.ohio.gov/>

2. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN. A guide for the Ohio EPA eBusiness Center is available in the link below:

[http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide%20\(Dashboard\).pdf](http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide%20(Dashboard).pdf)

D. Submittal. NOIs shall be signed in accordance with Part V.D of this permit. Payment in the amount designated on the form, can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found at:

<http://epa.ohio.gov/portals/35/edmr/doc/ePAYwalkthrough.pdf>

E. Renotification.

Existing permittees having coverage under the previous generation of this general permit (OHM000003) will be notified of eligibility of this permit based on TDS reasonable potential. If eligible, existing permittees will need to apply for coverage under OHM000004. Existing permittees will receive a renewal application and instructions for how to continue coverage under OHM000004. Ineligible permit holders must submit an individual permit application or, if eligibility criteria are met, a different general permit NOI application.

1. Timelines for Eligible Permit Holders

a. Permit holders who have held the permit for more than 5 years.

Within 90 days after the effective date of OHM000004, eligible existing permittees shall submit the completed renewal application and fee expressing their intent for continued coverage. Failure to submit the application and fee will result in termination of coverage under OHM000003.

b. Permit holders who have held the permit for less than 5 years.

A renewal application and fee will be required to be submitted 30 days prior to coverage expiration in order to maintain coverage under OHM000004. Failure to submit the application and fee will result in termination of coverage under OHM000003.

2. Timelines for Ineligible Permit Holders.

Permit coverage will be terminated 180 days after the issuance of OHM000004.

F. Modification. If new discharge points are required for a site with an approved coal surface affectment activities general permit, the permittee must request a modification to add discharge points to the approved NPDES permit. The permittee shall submit a letter stating the request for modification, the approved coal surface affectment activities general permit number, a NOI for the proposed outfalls including representative effluent data and, if any, associated fees. A site map showing the location of the proposed new discharge points, and an identifying number and coordinates for the proposed new discharge points. The modification shall be reviewed for eligibility requirements and approval as detailed in Part I.

G. Notice of Termination (NOT). When all discharges that are authorized by OHM000004 are eliminated, the operator of the facility must submit within 60 days of the ceasing of discharges, a Notice of Termination that is signed in accordance with Part V.D of this permit.

1. The NOT shall include the information required by the NOT form and its instruction sheet.
2. The NOT electronic form is available through the Ohio EPA eBusiness Center at:

<https://ebiz.epa.ohio.gov/>

Part III.A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Discharges shall be subject to the limitations and monitoring requirements in one or more of the tables below as follows:

The alternate limitations may apply to discharges normally under Part III.A.2 as follows:

a. The requirements in Part III.A.3 apply to discharges from:

i. Non-controlled surface drainage that are caused by a precipitation event greater than 0.75 inches and less than or equal to a 2-year, 24 hour event;

b. The requirements in Part III.A.4 apply to discharges from:

i. Non-controlled surface drainage 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.

c. The requirements in Part III. A.5. apply to discharges caused by precipitation events greater than a 10-year, 24-hour event from :

i. controlled surface drainage;

ii. non-controlled surface drainage.

The permittee shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described.

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2. SURFACE MINING- 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.

Table - Final Outfall - 001 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Week	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Week	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Week	Grab	All
00410 - Alkalinity, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
74010 - Iron, Total (Fe) - mg/l	6.0	-	-	3.0	-	-	-	1/Month	Grab	All
74013 - Manganese, Total - mg/l	4.0	-	-	2.0	-	-	-	1/Month	Grab	All

Notes:

1. For months when no discharge occurs, select "No Discharge" and submit the eDMR.
2. For flow rate, for weeks when no discharge occurs report zero on the DMR.
3. The measuring frequency for total precipitation and flow rate is a minimum requirement; during precipitation events and active discharging events, the permittee shall monitor and report these parameters daily.
4. These requirements apply to discharges from the following:
 - a. controlled surface drainage unless caused by a precipitation event greater than a 10-year, 24-hour event; and
 - b. non-controlled surface drainage unless caused by a precipitation event greater than 0.75 inches.
5. The term "controlled surface mine drainage" means any surface mine drainage that is pumped or siphoned from the active mining area.
6. See Part III.B.7 for alternative pH minimum.

3. 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.

Alternative Table 2

Reporting Code/Units	EFFLUENT CHARACTERISTIC Parameter	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		Concentration Specify Units		Loading kg/day		Measurement Frequency	Sample Type
		30 Day	Daily	30 Day	Daily		
00045 IN	Total Precipitation	-	-	-	-	1/Day	Total
00056 GPD	Flow Rate	-	-	-	-	1/Day	24 Hr. Total (est)
00400 S.U.	pH	6.5 to 9.0		-	-	1/Day	Grab
00545 mL/L	Settleable Solids	-	0.5	-	-	1/Day	Grab
74010 mg/L	Total Iron	-	7.0	-	-	1/Day	Grab

Notes:

1. For months when no discharge occurs, select "No Discharge" and submit the eDMR.
2. For weeks when no discharge occurs report zero on the DMR.
3. During precipitation events and active discharging events, the permittee shall monitor and report the parameters in Alternative Table 2 daily. This table does not replace the regular, required monitoring requirements in the Outfall 001 table.
4. These requirements apply to discharges from the following:
 - a. Non-controlled surface drainage that are caused by a precipitation event greater than 0.75 inches and less than or equal to a 2-year, 24 hour event.
5. See Part III.B.7 for alternative pH minimum.
6. The permittee shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Footnote 4.

4. 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.

Alternative Table 3

Reporting Code/Units	EFFLUENT CHARACTERISTIC Parameter	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		Concentration Specify Units		Loading kg/day		Measurement Frequency	Sample Type
		30 Day	Daily	30 Day	Daily		
00045 IN	Total Precipitation	-	-	-	-	1/Day	Total
00056 GPD	Flow Rate	-	-	-	-	1/Day	24 Hr. Total (est)
00400 S.U.	pH	6.5 to 9.0		-	-	1/Day	Grab
00545 mL/L	Settleable Solids	-	0.5	-	-	1/Day	Grab

Notes:

1. For months when no discharge occurs, select "No Discharge" and submit the eDMR.
2. For weeks when no discharge occurs report zero on the DMR.
3. During precipitation events and active discharging events, the permittee shall monitor and report the parameters in Alternative Table 3 daily. This table does not replace the regular, required monitoring requirements in the Outfall 001 table.
4. These requirements apply to discharges from the following:
 - a. Non-controlled surface drainage 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,
5. See Part III.B.7 for alternative pH minimum.
6. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Footnote 4.

5. 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.

Alternative Table 4

EFFLUENT CHARACTERISTIC		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code/Units	Parameter	Concentration		Loading		Measurement Frequency	Sample Type
		Specify 30 Day	Units Daily	kg/day 30 Day	Daily		
00045 IN	Total Precipitation	-	-	-	-	1/Day	Total
00056 GPD	Flow Rate	-	-	-	-	1/Day	24 Hr. Total (est)
00400 S.U.	pH	6.5 to 9.0		-	-	1/Day	Grab

Notes:

1. For months when no discharge occurs, select "No Discharge" and submit the eDMR.
2. For weeks when no discharge occurs report zero on the DMR.
3. During precipitation events and active discharging events, the permittee shall monitor and report the parameters in Alternative Table 4 daily. This table does not replace the regular, required monitoring requirements in the Outfall 001 table.
4. These requirements apply to discharges caused by precipitation events greater than a 10-year, 24-hour event from the following:
 - a. controlled surface drainage;
 - b. non-controlled surface drainage.
5. See Part III.B.7 for alternative pH minimum.
6. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Footnote 4.

Part III A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. REPRESENTATIVE OUTFALL SAMPLING FOR COBALT, SELENIUM, ALUMINUM 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.

Table - Final Outfall - 003 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months			
Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly	
00979 - Cobalt, Total Recoverable - ug/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
01104 - Aluminum, Total Recoverable - ug/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual

Notes:

- All permittees are required to monitor one representative outfall for the parameters listed above for the life of the permit. A representative outfall is an outfall that is substantially identical to other permitted outfalls at the permittee's facility in terms of the types and amounts of exposed materials that contribute pollutants to the discharge and types of control and treatment at the outfalls.

eDMR data must be reported for the months of June and December. If no discharge occurs in a month data is required for (June and December), a grab sample shall be submitted for an alternate month. In this situation, report the data for the month in which samples were collected, and report 'AH' in eDMR for June or December, with a comment citing the month when data was collected.

Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

7. ALTERNATIVE TO TABLE 001 FOR RECLAMATION AREAS-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.

Table - Final Outfall - 100 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units				Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Month	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Week	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Month	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	0.5	-	-	-	-	-	-	1/Month	Grab	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

Once there is a bond release, either Phase I or Phase II, the mine operator shall contact Ohio EPA so a determination can be made for the release of sampling and monitoring requirements of the affected outfalls. Upon approval by Ohio EPA, the affected outfalls in the "001" series will be removed from the permit and the permitted entity will begin utilizing the "100" series outfalls included in the permit.

Notes:

- For months when no discharge occurs, select "No Discharge" and submit the eDMR.
- For weeks when no discharge occurs report zero on the DMR.
- The measuring frequency for total precipitation and flow rate is a minimum requirement; during precipitation events and active discharging events, the permittee should monitor and report these parameters daily.
- See Part III.B.7 for alternative pH minimum.

Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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 or reclamation areas.) When monitoring of wastewater from a reclamation area is discontinued and the discharge has ceased, per Part II.G, 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 most 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 the day and the associated alternative tables (2-4) in the remarks section of the monthly report form. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event.
6. When seeking alternative effluent limitations, the operator shall provide proof 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 or equivalent regional rainfall probability information.

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

7. 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 Southeast District Office Coal General Permit Program for instructions.

8. Analytical Methods

a. The permittee shall use analytical procedures approved under 40 CFR 136 with MDLs (method detection limits) less than or equal to those listed below to comply with the monitoring requirements in this permit:

MDL (ug/l)	
Selenium	2
Cobalt	10
Aluminum	100

9. Removal of Pond Monitoring from the Permit

Once Ohio EPA receives an approved ODNR/DMRM "Request to Remove Siltation Structure and Termination of the 2-Year Period Form", the Ohio EPA will inquire to the company of the status of the structure/pond; has the structure been removed or is it still intact? If the structure is removed, Ohio EPA will remove the monitoring requirement for that structure/pond from the permit.

If ODNR /DMRM or the landowner determines the structure/pond will be a permanent structure, Ohio EPA will require a one-time sampling of the pond effluent for Chloride, Sulfate, TDS, pH, Iron and Manganese. If Ohio EPA and the sampling results determine the discharge from the structure/pond is no longer a point source of pollutants to the receiving water, Ohio EPA will remove the monitoring requirement for that structure/pond from the permit. If it is determined the structure/pond is a continuing point source of pollution, continuing quarterly sampling will be required until the structure/pond is no longer deemed a point source of pollution.

Part IV. STORMWATER POLLUTION PREVENTION PLANS

A. Plan

A plan shall be developed to address discharges to surface waters of the state that contain storm water associated with industrial activity and construction activity. Plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the facility. The plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the plan required under this part as a condition of this permit. The plan is intended to document the selection, design, and installation of control measures.

Most active coal mining-related areas are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to the Ohio Department of Natural Resources to implement SMCRA through the State SMCRA regulations found in OAC 1501:13 and 1513. The erosion, sediment and storm water management practices used to satisfy the conditions of SMCRA shall be deemed acceptable. Where applicable, such documented practices shall be made available to Ohio EPA upon request.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and Ohio Administrative Code Chapter 3745-38 and is grounds for enforcement action; for permit coverage termination, revocation and reissuance, or modification; or for denial of coverage under a renewal of this general permit.

2. Penalties for Violations of Permit Conditions.

Criminal Penalties.

i. Ohio Revised Code section 6111.99 provides that any person who violates permit conditions is subject to a fine or imprisonment.

ii. Falsification. Ohio Revised Code Section 6111 provides that any person who knowingly submits false information or records pertaining to discharges required as a condition of a permit is subject to a fine and/or by imprisonment.

Civil Penalties.

Ohio Revised Code Chapter 6111 provides that any person who violates permit terms and conditions is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued. Individuals may renew coverage in accordance with Part II.A.

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 or information either submitted to the Director (and/or the operator of a large or medium 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 2a.

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) 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 (2) 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 county, municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of 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 section 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. 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 the following requirements are met:

1. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the Ohio EPA Central Office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA Central Office sixty days prior to the proposed date of transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the Ohio EPA central office within sixty days after receipt by the Central Office of the copy of the letter from the permittee to the succeeding owner;
3. The Director does not exercise his right within thirty days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to revoke the permit and to require that a new NOI be filed; and
4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

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. Individual permit applications shall be submitted to the appropriate Ohio EPA district office. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.
2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or 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 appropriate Ohio EPA district office. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request (see Part I.C).

3. If an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or 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.

4. If an individual permit holder believes the discharge could be covered by this general permit, the owner or operator must submit a NOI (see Part II.C) for coverage under this general permit and request appropriate Ohio EPA district office to either revoke the existing individual permit or approve No Permit Requirement (NPR) for the existing individual permit.

G. Environmental Laws. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental 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, or an authorized representative of the U.S. EPA, or, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials 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 the Ohio Revised Code Chapter 6111, any substances or parameters at any location.

I. Upsets.

1. "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.

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 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 or water fowl;
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 combination 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.

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 under the permittee's control. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
2. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality 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 this PART V. entitled, "UNAUTHORIZED DISCHARGES".

L. Reporting.

1. Monitoring data required by this permit shall be reported on the 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. The eBusiness Center is found on the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

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 as specified in Paragraph D of this Part. 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.ohio.gov/dsw/edmr/eDMRpin.aspx>

3. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest.

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 Designated Responsible Official and maintained for records retention purposes (see paragraph O of this Part - Records Retention). For e-DMR users, a copy of the DMR can be printed from 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 below, 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 on Ohio EPA report form (4500), but records shall be retained as specified in the paragraph entitled "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 regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" 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 date of sampling (time of sampling not required on EPA 4500);
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 wastewater treatment works 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 the Ohio EPA or U.S. EPA, or when requested by the Regional Administrator or the 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 the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Ohio EPA central office. Both the Clean Water Act and Section 6111.05 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 which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. The permittee shall also furnish to an authorized representative of U.S. EPA, any of information that may be requested by the Director as described in this paragraph.

R. Unauthorized Discharges.

1. Bypassing or diverting of wastewater from the treatment works is prohibited unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of 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 which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under paragraph S of this section.
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 which does not cause effluent limitations to be exceeded if the 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. Exceedance of a Daily Maximum Discharge Limit

a. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within 24 hours of discovery. The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.ohio.gov
Southwest District Office: swdo24hournpdes@epa.ohio.gov
Northwest District Office: nwdo24hournpdes@epa.ohio.gov
Northeast District Office: nedo24hournpdes@epa.ohio.gov
Central District Office: cdo24hournpdes@epa.ohio.gov
Central Office: co24hournpdes@epa.ohio.gov

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- . The name of the permittee, and a contact name and telephone number;
- . The limit(s) that has been exceeded;
- . The extent of the exceedance(s);
- . The cause of the exceedance(s);
- . The period of the exceedance(s) including exact dates and times;
- . If uncorrected, the anticipated time the exceedance(s) is expected to continue; and
- . Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

2. Other Permit Violations

a. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limitation in the permit by e-mail or telephone within 24 hours of discovery. The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.ohio.gov
Southwest District Office: swdo24hournpdes@epa.ohio.gov
Northwest District Office: nwdo24hournpdes@epa.ohio.gov
Northeast District Office: nedo24hournpdes@epa.ohio.gov
Central District Office: cdo24hournpdes@epa.ohio.gov
Central Office: co24hournpdes@epa.ohio.gov

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

b. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health of the environment within 30 minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within 24 hours of discovery in accordance with paragraph S.2.a. above.

3. When the telephone option is used for the non-compliance reports required by paragraphs S.1 and 2 above, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

4. The permittee shall report all instances of noncompliance not 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 such facts or 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. The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable.

1. 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 which would constitute cause for termination. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

2. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, a determination will be made as to whether the permit should remain unchanged or be terminated. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

3. 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 which would result in the discharge on a routine or frequent basis of any toxic pollutant which 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 which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which 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 Clean Water 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 the 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 of this permit).

2. The filing of a request by the permittee for general permit coverage revocation does not stay any permit condition. See Part II.G 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 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.

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 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.

AE. Applicable Federal Rules. All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

AF. Pollution Prevention.

Ohio EPA suggests 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.

The permittee 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 the Ohio EPA, Office of Pollution Prevention at (614) 644-3949.

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.

"BMPs" - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

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

"Controlled surface mine drainage" means any surface mine drainage that is pumped or siphoned from the active mining area.

(i) Non-controlled surface mine drainage is any drainage that does not fall under the definition of "controlled." Non-controlled drainage would still be directed to a drainage control structure or wastewater treatment facility.

"Daily load limitations" 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.

"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. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Dams" means barriers built to hold back water.

"Director" means the director of Ohio EPA or an authorized representative.

"Discharge" - when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

"Discharge of a pollutant" - any addition of any "pollutant" or combination of pollutants to "surface waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into surface waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"U.S. EPA Approved or Established TMDLs" - "U.S. EPA Approved TMDLs" are those that are developed by a State and approved by U.S. EPA. "U.S. EPA Established TMDLs" are those that are developed by U.S. EPA.

"Dumps" means to unload; specifically, a load of coal; the mechanism for unloading, e.g. a car dump (sometimes called tipple); or, the pile created by such unloading, e.g. a waste dump (also called heap, pile, tip, spoil pike, etc.).

"Entryways" means an underground horizontal or near-horizontal passage used for haulage, ventilation, or as a mainway; a coal heading; a working place where the coal is extracted from the seam in the initial mining; same as "gate" and "roadway."

"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.

"Impoundments" means all water, sediment, slurry or other liquid or semi-liquid holding structures and depressions, either naturally formed or artificially built.

"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.

"Mining methods" means any of the methods defined below:

(i) "Contour mining" means a method of surface coal mining that involves making an initial mining cut along the contour of a hillside to the maximum highwall height and then making subsequent cuts along the same contour, placing spoil in the preceding cut where the coal has been removed.

. (a) Highwall - the face of exposed overburden and coal in an open cut of a coal mining operation or for entry to underground mining operations.

. (b) Spoil - overburden that has been removed during coal mining operations, including underground development materials, but does not include topsoil.

(ii) "Strip mining" means those coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

(iii) "Auger mining" means a method of mining coal at a highwall by drilling holes or cutting into an exposed coal seam from the highwall and transporting the coal along an auger bit or by conveyors or other means to the surface.

(iv) "Mountaintop removal mining" means coal mining operations in which the mining operation removes an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, by removing substantially all of the overburden off the bench and creating a level plateau or a gently rolling contour, with no highwalls remaining, and capable of supporting postmining land uses.

(v) "Box cut" means a mining cut excavated into the slope of a hillside, resulting in highwalls on three sides of the cut, or through a mountaintop or ridge crest, resulting in highwalls on two sides of the cut. This type of cut is used to initially open a hillside or mountaintop or ridge crest to all initiation of spoil casting by equipment or explosives.

(vi) "Area mining" means a method of surface coal mining that involves making a series of parallel mining cuts against the highwall created from the initial mining cut. Spoil from each subsequent cut is placed in the preceding cut where coal has been removed and, as a result, area mining forms a series of parallel spoil ridges. Area mining along the contour differs from contour mining in that at least three successive parallel cuts are made from the initial cut.

(vi) "Steep slope" means any slope above twenty degrees or such lesser slope as may be defined by the Chief of ODNR/DMRM after consideration of soil, climate, and other characteristics of a region or State.

Municipal Separate Storm Sewer - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

"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.

"New mine" for purposes of this permit, is a mine area that wastewater data specific to the mine area and operation cannot be collected because the discharges do not yet exist.

"NOI" means notice of intent.

"NOT" means notice of termination.

"Point source" - 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. See 40 CFR 122.2.

"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.

"Reclamation Area" means the surface area of a coal mine which has been returned to contour and on which topsoiling, seeding, or planting of permanent vegetation has commenced and the discharge meets water quality standards without treatment.

"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.

"Semi-Arid Climate" - areas where annual rainfall averages from 10 to 20 inches.

"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.

"Spoil banks" means a deposit of removed overburden.

"Steep slope" means any slope above twenty degrees or such lesser slope as may be defined by the chief after considering soil, climate, and other characteristics of a region.

"Stockpiles" means a reserve supply of accumulated material. (topsoil, spoil, coal, etc).

"Storm Water" - storm water runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

"Storm Water Discharges Associated with Construction Activity" - a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

"Storm Water Discharges Associated with Industrial Activity" - the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14).

"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.

"Ventilation shafts" means a primary vertical or non-vertical opening through mine strata used for ventilation or drainage and/or for hoisting of personnel or materials; connects the surface with underground workings.

"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.

"You" and "Your" - as used in this permit are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you shall submit" means the permittee shall submit something for that particular facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

"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.