Application No. OH0022829

Issue Date: July 24, 2008

Effective Date: September 1, 2008

Expiration Date: August 31, 2013

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Southern Ohio Coal Company
Meigs Mine No. 31

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the SOCCO Meigs Mine No. 31 mine complex located at State Route 124, 3 miles east Wilkesville, Langsville, Ohio, Meigs County and discharging to an unnamed tributary of Parker Run and Parker Run in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

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 no later than 180 days prior to the above date of expiration.

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Laura H. Powell
Assistant Director

Total Pages: 31

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of the permit and lasting until the end of the 59th month after the effective date of the permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00027001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Interim

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00045 - Total Precipitation - Inches | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 00094 - Conductivity - Umho/Cm | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00400 - pH - S.U. | 9.0 | 6.5 | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00515 - Residue, Total Dissolved - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00530 - Total Suspended Solids - mg/l | 70 | - | - | 35 | - | - | - | 1 / 2 Weeks | Grab | All |
| 00940 - Chloride, Total - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 01045 - Iron, Total (Fe) - ug/l | 7000 | - | - | 3500 | - | - | - | 1 / 2 Weeks | Grab | All |
| 01055 - Manganese, Total (Mn) - ug/l | 4000 | - | - | 2000 | - | - | - | 1 / 2 Weeks | Grab | All |
| 50050 - Flow Rate - MGD | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 61425 - Acute Toxicity, Ceriodaphnia dubia - TUa | - | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |
| 61427 - Acute Toxicity, Pimephales promelas - TUa | - | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |

Notes for station 0IL00027001:

- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoring requirements listed in Part II, Items (G)(1)(a) instead of those listed above provided that all conditions in Part II, Item (G)(2) are met.

- Acute toxicity, see Part II, Item P.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the first day of the 60th month after 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 outfall 0IL00027001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00045 - Total Precipitation - Inches | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 00094 - Conductivity - Umho/Cm | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00400 - pH - S.U. | 9 | 6.5 | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00515 - Residue, Total Dissolved - mg/l | - | - | - | 1500 | - | - | - | 1 / 2 Weeks | Grab | All |
| 00530 - Total Suspended Solids - mg/l | 70 | - | - | 35 | - | - | - | 1 / 2 Weeks | Grab | All |
| 00940 - Chloride, Total - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 01045 - Iron, Total (Fe) - ug/l | 7000 | - | - | 3500 | - | - | - | 1 / 2 Weeks | Grab | All |
| 01055 - Manganese, Total (Mn) - ug/l | 4000 | - | - | 2000 | - | - | - | 1 / 2 Weeks | Grab | All |
| 50050 - Flow Rate - MGD | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 61425 - Acute Toxicity, Ceriodaphnia dubia - TUa | 1.0 | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |
| 61427 - Acute Toxicity, Pimephales promelas - TUa | 1.0 | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |

Notes for station 0IL00027001:

- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoring requirements listed in Part II, Items (G)(1)(a) instead of those listed above provided that all conditions in Part II, Item (G)(2) are met.

- Acute toxicity, see Part II, Item P.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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 and monitoring requirements from outfall 0IL00027002. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 002 - Final

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00010 - Water Temperature - C | - | - | - | - | - | - | - | 1/Day | Grab | All |
| 00056 - Flow Rate - GPD | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 00083 - Color, Severity - Units | - | - | - | - | - | - | - | 1/Day | Estimate | All |
| 00400 - pH - S.U. | 9 | 6.5 | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00530 - Total Suspended Solids - mg/l | 18 | - | - | 12 | 2.38 | - | 1.59 | 1/Month | Grab | All |
| 00610 - Nitrogen, Ammonia (NH3) - mg/l | 9.4 | - | - | 6.3 | 1.25 | - | 0.83 | 1/Month | Grab | Winter |
| 00610 - Nitrogen, Ammonia (NH3) - mg/l | 3.2 | - | - | 2.1 | 0.42 | - | 0.28 | 1/Month | Grab | Summer |
| 01330 - Odor, Severity - Units | - | - | - | - | - | - | - | 1/Day | Estimate | All |
| 01350 - Turbidity, Severity - Units | - | - | - | - | - | - | - | 1/Day | Estimate | All |
| 31616 - Fecal Coliform - #/100 ml | 2000 | - | - | 1000 | - | - | - | 1/Month | Grab | Summer |
| 50060 - Chlorine, Total Residual - mg/l | .019 | - | - | - | - | - | - | 1 / 2 Weeks | Grab | Summer |
| 80082 - CBOD 5 day - mg/l | 15 | - | - | 10 | 1.99 | - | 1.32 | 1/Month | Grab | All |

Notes for station 0IL00027002:

- * Effluent loadings based on average design flow of .035 MGD.

- See Part II, Item C & F.

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. During the period beginning on the effective date of the permit and lasting until the end of the 59th month after the effective date of the permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00027004. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 004 - Interim

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00045 - Total Precipitation - Inches | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 00094 - Conductivity - Umho/Cm | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00400 - pH - S.U. | 9.0 | 6.5 | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00515 - Residue, Total Dissolved - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00530 - Total Suspended Solids - mg/l | 70 | - | - | 35 | - | - | - | 1 / 2 Weeks | Grab | All |
| 00940 - Chloride, Total - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 01045 - Iron, Total (Fe) - ug/l | 7000 | - | - | 3500 | - | - | - | 1 / 2 Weeks | Grab | All |
| 01055 - Manganese, Total (Mn) - ug/l | 4000 | - | - | 2000 | - | - | - | 1 / 2 Weeks | Grab | All |
| 50050 - Flow Rate - MGD | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 61425 - Acute Toxicity, Ceriodaphnia dubia - TUa | - | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |
| 61427 - Acute Toxicity, Pimephales promelas - TUa | - | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |

Notes for station 0IL00027004:

- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoring requirements listed in Part II, Items (G)(1)(a) instead of those listed above provided that all conditions in Part II, Item (G)(2) are met.

- Acute toxicity, see Part II, Item P.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. During the period beginning on the first day of the 60th month after 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 outfall 0IL00027004. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 004 - Final

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00045 - Total Precipitation - Inches | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 00094 - Conductivity - Umho/Cm | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00400 - pH - S.U. | 9.0 | 6.5 | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 00515 - Residue, Total Dissolved - mg/l | - | - | - | 1500 | - | - | - | 1 / 2 Weeks | Grab | All |
| 00530 - Total Suspended Solids - mg/l | 70 | - | - | 35 | - | - | - | 1 / 2 Weeks | Grab | All |
| 00940 - Chloride, Total - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Grab | All |
| 01045 - Iron, Total (Fe) - ug/l | 7000 | - | - | 3500 | - | - | - | 1 / 2 Weeks | Grab | All |
| 01055 - Manganese, Total (Mn) - ug/l | 4000 | - | - | 2000 | - | - | - | 1 / 2 Weeks | Grab | All |
| 50050 - Flow Rate - MGD | - | - | - | - | - | - | - | 1/Day | 24hr Total | All |
| 61425 - Acute Toxicity, Ceriodaphnia dubia - TUa | 1.0 | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |
| 61427 - Acute Toxicity, Pimephales promelas - TUa | 1.0 | - | - | - | - | - | - | 1/Quarter | Grab | Quarterly |

Notes for station 0IL00027004:

- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoring requirements listed in Part II, Items (G)(1)(a) instead of those listed above provided that all conditions in Part II, Item (G)(2) are met.

- Acute toxicity, see Part II, Item P.

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. During the period beginning on the effective date of the permit and lasting until the end of the 59th month after the effective date of the permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00027091. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Calculated Outfall/Station - 091 - Interim

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00515 - Residue, Total Dissolved - mg/l | - | - | - | - | - | - | - | 1 / 2 Weeks | Calculated | All |
| 50050 - Flow Rate - MGD | - | - | - | - | - | - | - | 1 / 2 Weeks | Calculated | All |

NOTES for Station Number 0IL00027091:

- Flows reported under this calculated station shall represent the sum of flows recorded for outfalls 0IL00027001 and 0IL00027004, and shall be reported the same day as Total Dissolved Residue.

- The concentration for Total Dissolved Residue (or TDS) shall be reported as the flow-weighted summation of the concentrations recorded for the effluent discharged at outfalls 0IL00027001 and 0IL00027004. The concentration (or conc.) reported under this table shall be calculated as follows:

. TDS conc. = [(flow at outfall 001 x TDS conc. at outfall 001) + (flow at outfall 004 x TDS conc. at outfall 004)] /
. [flow at outfall 001 + flow at outfall 004]

- Should analytical results indicate "non detect," the permittee shall use zero when developing the calculated concentrations to be reported.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

7. During the period beginning on the first day of the 60th month after 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 outfall 0IL00027091. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Calculated Outfall/Station - 091 - Final

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 00515 - Residue, Total Dissolved - mg/l | - | - | - | - | - | - | 42297 | 1 / 2 Weeks | Calculated | All |
| 50050 - Flow Rate - MGD | - | - | - | - | - | - | - | 1/Day | Calculated | All |

NOTES for Station Number 0IL00027091:

- The loading limit for Total Dissolved Residue is based upon a design flow rate of 7.45 MGD, and represents the total load effluent limitation for stations 0IL00027001 and 0IL00027004.

- Flows reported under this calculated station shall represent the sum of flows recorded for outfalls 0IL00027001 and 0IL00027004, and shall be reported the same day as Total Dissolved Residue.

- The concentration for Total Dissolved Residue (or TDS) shall be reported as the flow-weighted summation of the concentrations recorded for the effluent discharged at outfalls 0IL00027001 and 0IL00027004. The concentration (or conc.) reported under this table shall be calculated as follows:

. TDS conc. = [(flow at outfall 001 x TDS conc. at outfall 001) + (flow at outfall 004 x TDS conc. at outfall 004)]
. / [flow at outfall 001 + flow at outfall 004]

- Should analytical results indicate "non detect," the permittee shall use zero when developing the calculated concentrations to be reported.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 0IL00027588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

| Effluent Characteristic | Discharge Limitations | | | | | | | Monitoring Requirements | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Concentration Specified Units | | | | Loading* kg/day | | | | | |
| Parameter | Maximum | Minimum | Weekly | Monthly | Daily | Weekly | Monthly | Measuring Frequency | Sampling Type | Monitoring Months |
| 51129 - Sludge Fee Weight - dry tons | - | - | - | - | - | - | - | 1/Year | Total | December |
| 70316 - Sludge Weight - Dry Tons | - | - | - | - | - | - | - | 1/Year | Total | December |
| 80991 - Sludge Volume, Gallons - Gals | - | - | - | - | - | - | - | 1/Year | Total | December |

NOTES for Station Number 0IL00027588:

- Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight or sludge volume transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR). If no sewage sludge is removed from the Permittee's facility for transfer to another NPDES permit holder during the year, report "AL" in the first column of the first day of the December DMR. A signature is still required.

- Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons= gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

- See Part II, Items L, M, N, and O.

Part I, C. - SCHEDULE OF COMPLIANCE

Schedule to meet Total Dissolved Solids Limit

The permittee may undertake option A, B, C, or D described below in order to address the discharge of total dissolved residue or total dissolved solids (TDS) from outfalls 0IL00027001 and 0IL00027004 and the limits for TDS which becomes effective 59 months after the effective date of the permit. If Ohio EPA approves a submittal from the permittee under option A, B, C, or D, this NPDES permit may be modified to incorporate an alternative TDS limit and/or an alternative schedule for compliance. The tasks in the following alternatives should be completed as expeditiously as practicable, but not later than the dates developed in accordance with the schedules under each alternative. All submittals required under this compliance schedule shall be made to the Ohio EPA Southeast District Office.

A. Site-Specific Water Quality Criterion for Total Dissolved Solids (TDS)

1. Not later than 6 months from the effective date of this permit, the permittee shall submit 4 copies of a study plan for determining the effects of the effluent from the permittee's discharge, and in particular, the water quality effects of total dissolved solids (TDS). The study plan shall address as a minimum, the following:

a. The effects of effluent from outfalls 0IL00027001 and 0IL00027004 are based upon whole effluent toxicity testing, chemical sampling and biological sampling. Sampling shall also be conducted using stream samples from Leading Creek, both upstream and downstream from the confluence of Parker Run and Leading Creek.
b. The inclusion of fish and invertebrate species such as mayflies which are sensitive to the effects of TDS, to be used for whole effluent toxicity testing and biological sampling;
c. Appropriate steps to determine the relative concentrations and toxicity of specific TDS constitutents such as sulfate and chlorides.
d. Incorporation of Ohio EPA protocols (or other protocols acceptable to Ohio EPA) for biological sampling of local macroinvertebrate and fish populations within the Leading Creek watershed.
e. A discussion of any other steps, testing, or procedures which will be used to demonstrate that a site-specific criterion for water quality is justified for TDS.
f. Ohio EPA will review the study plan and provide comments as necessary.

2. Not later than 12 months from the effective date of this permit, the permittee shall begin implementation of the study plan after addressing any comments that were received from Ohio EPA. (Event Code 93899)

3. Not later than 36 months from the effective date of this permit, the permittee shall submit four copies of a final report on study plan results and conclusions. (Event Code 092199) This report shall include, but shall not be limited to, the following information:

a. All results from whole effluent toxicity testing, biological sampling, and chemical sampling.
b. A discussion of all sampling results.
c. An explanation and analysis showing that current non-attainment of the warmwater habitat aquatic life use designation for Parker Run and Leading Creek is not caused or contributed to by the permittee's discharge into Parker Run.
d. A discussion and analysis demonstrating justification for a site-specific water quality criterion for TDS. The sampling discussed in the report shall support the development of proposed alternative effluent limitations by the permittee and may include analyses of use attainment and use attainability for Parkers Run and Leading Creek.
e. A discussion of the development of water quality-based effluent limitations necessary to support the designated use for Parkers Run and Leading Creek, along with an alternative compliance schedule, if necessary, to achieve such effluent limitations. The report shall take into account seasonal and temporal differences in stream and discharge water flows and must include an analysis of any downstream uses affected by the effluent discharge.
f. If an alternative compliance schedule is proposed which extends beyond 59 months after the effective date of this permit, justification for the alternative compliance schedule shall include an analysis for an economic variance as required under Part I.C., Item B., "Economic Variance", as described below.

B. Economic Variance

Not later than 36 months from the effective date of this permit, the permittee shall submit four copies of a final report which provides justification for obtaining an economic variance in accordance with the requirements and conditions found in rule 3745-33-07, paragraph D of the Ohio Administrative Code. As part of the justification for granting a variance, this report shall include an evaluation of the technology, necessary construction, and costs required to meet the water quality-based effluent limitation of 1500 mg/l for TDS in the final effluent table of this permit through:

1. improved treatment; and
2. diversion of the effluent to a receiving stream with sufficient dilution to allow compliance with instream water quality standards for TDS.

C. Diversion of Effluent to Another Stream

The permittee shall develop plans and undertake construction according to the following schedule in order to divert the effluent discharged at outfalls 0IL00027001 and 0IL00027004 from Parker Run to a receiving stream with sufficient dilution to allow compliance with the water quality standards for total dissolved solids:

1. Facility plans shall be submitted no later than 48 months after the effective date of the permit.
2. Construction shall be initiated no later than 52 months after the effective date of the permit.
3. Construction shall be completed no later than 58 months after the effective date of the permit.

D. Another Compliance Option

The permittee may propose another compliance option which is not specifically identified in this compliance schedule. Under this option, the permittee shall submit four copies of a report containing the following information to Ohio EPA no later than six months after the effective date of the permit:

1. a discussion of the proposed option;
2. identification of sampling and analysis which will be required to implement this option, if applicable;
3. an explanation showing how the permittee will comply with the final limit for TDS under this option; and
4. a schedule for any studies, report submittals, and construction, if applicable.

E. Compliance with final permit limits

Not later than 59 months from the effective date of this permit, the permittee shall comply with the final effluent limit for TDS at outfalls 0IL00027001and 0IL00027004. (Event Code 05699) If the permittee successfully demonstrates that option A, B, C, or D can or will be implemented, Ohio EPA may initiate a permit modification as required by the selected compliance schedule option. If the permittee successfully demonstrates that a water quality-based effluent limitation for TDS will be met through improved treatment or diversion of the effluent to a receiving stream with sufficient dilution, the date of compliance may be extended beyond 59 months after the effective date of the permit, if necessary.

F. Annual Status Reports

Annually, the permittee shall submit to the Ohio EPA Southeast District Office, a written status report which discusses progress towards meeting the final limit for TDS, or progress towards implementing one of the options contained in this schedule according to the following dates:

1. No later than 12 months after the effective of the permit. (Event Code 95999)

2. No later than 24 months after the effective of the permit. (Event Code 95999)

3. No later than 36 months after the effective of the permit. (Event Code 95999)

Part II, OTHER REQUIREMENTS

A. Description of the location of the required sampling stations are as follows:

| Sampling Station | Description of Location |
|---|---|
| 0IL00027001 | Final discharge from water supply reservoir - samples to be collected at final discharge from water supply reservoir prior to entering unnamed tributary to Parker Run. (Lat: 39 N 04 ' 15 "; Long: 82 W 14 ' 15 ") |
| 0IL00027002 | Sewage treatment plant discharge - samples to be collected at final discharge from sewage plant prior to entering Parker Run. (Lat: 39 N 03 ' 30 "; Long: 82 W 14 ' 30 ") |
| 0IL00027004 | Final discharge from polishing pond 008B - samples to be collected at final discharge from polishing pond prior to entering Parker Run. (Lat: 39 N 03 ' 52 "; Long: 82 W 14 ' 14 ") |
| 0IL00027588 | Sludge disposal - transfer to another NPDES permit holder. |

B. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

C. If Severity Units are required for Turbidity, Odor, or Color, use the following table to determine the value between 0 and 4 that is reported.

| REPORTED VALUE* | SEVERITY DESCRIPTION | TURBIDITY | ODOR | COLOR |
|---|---|---|---|---|
| 0 | None | Clear | None | Colorless |
| 1 | Mild | | | |
| 2 | Moderate | Light Solids | Musty | Grey |
| 3 | Serious | | | |
| 4 | Extreme | Heavy Solids | Septic | Black |

* Interpolate between the descriptive phrases.

D. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

E. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

F. The parameters below have had effluent limitations established that are below the OEPA Quantification Level (OEPA QL) for the 40 CFR 136 promulgated analytical procedure for those parameters. In accordance with the ORC Section 6111.13 and OAC Rule 3745-33-07(C), if a discharge limit is set below the OEPA QL, any analytical result reported less than the OEPA QL shall be considered to be in compliance with that limit.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.

2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.

3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

| Parameter | QL | ML |
|---|---|---|
| Chlorine, Total Residual | 0.050 mg/l | -- |

This permit may be modified, or alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the WQBEL.

G. Coal mining facilities are eligible for the alternative effluent limits listed in section (1) below provided that the applicability and submission requirements listed in section (2) below are met.

1. Alternative Effluent Limits

a. Increase in the volume of the discharge is caused by precipitation greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits are as follows:

| . EFFLUENT CHARACTERISTIC | | | DISCHARGE LIMITATIONS | | | | MONITORING REQUIREMENTS | |
|---|---|---|---|---|---|---|---|---|
| | | | Concentration Other Units (Specify) | | Loading Kg/day | | | |
| Reporting Code/Units | | Parameter | 30 Day | Daily | 30 Day | Daily | Measurement Frequency | Sample Type |
| 00045 | IN | Total Precipitation | - | - | - | - | Daily | 24 Hr. Total |
| 00400 | S.U. | pH | 6.5 to 9.0 at all times | | | | 1/2 Weeks | Grab |
| 00530 | mg/l | Total Suspended Solids | - | - | - | - | 1/2 Weeks | Grab |
| 00545 | ml/l | Residue, Settleable | - | - | - | - | 1/2 Weeks | Grab |
| 01045 | ug/l | Iron, Total (Fe) | - | - | - | - | 1/2 Weeks | Grab |
| 01055 | ug/l | Manganese, Total (Mn) | - | - | - | - | 1/2 Weeks | Grab |
| 50050 | MGD | Flow Rate | - | - | - | - | Daily | 24 Hr. Total |

2. Applicability and Submission Requirements

a. The samples of the discharge for all parameters listed are collected during, or within 24 hours after the applicable precipitation event.

b. The operator proves that the discharge or the increase in the discharge was caused by the applicable precipitation event. The following information must be submitted by the permittee as proof of qualification for the alternative effluent limitations:

. i. A statement of the precipitation event for which the alternative limits are being sought and the amount of rainfall specified for that precipitation event as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Atlas of the United States", May 1961, or equivalent regional rainfall probability information developed therefrom;

. ii. The date, duration (time begin/time end), and total 24-hour accumulation (inches), of the precipitation which caused the discharge or increase in volume of the discharge; and

. iii. The date and time grab samples were collected.

c. The permittee should report "AH" in the appropriate location on the Discharge Monitoring Report (DMR) Form 4500 where the data would have gone if alternative limits were not applicable. The information required above in Part II, Item (L)(2)(b) should be included in the "Additional Remarks" section of the DMR form.

H. Operator Certification Requirements

In accordance with rules 3745-02 and 3745-7-04 of the Ohio Administrative Code, the permittee shall comply with operator certification requirements when this permit is renewed or modified after December 21, 2008. After this date:

1. the Southern Ohio Coal Company Meigs Mine No. 31 sewage treatment plant shall be classified as a Class I facility;

2. the permittee shall designate one or more operator of record to oversee the technical operation of the sewerage system and/or treatment works. Each operator of record shall have a valid certification equal or greater than the class of the treatment plants; and

3. minimum staffing requirements as specified in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code become effective.

I. Operator of Record

The permittee shall designate one or more operator of record to oversee the technical operation of the sewerage system and/or treatment works in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.

1. Within three days of a change in an operator of record, the permittee shall notify the Director of Ohio EPA of any such change on a form acceptable to Ohio EPA. The appropriate form can be found at the following website:

http://www.epa.state.oh.us/ddagw/Documents/opcert/Operator_of_Re cord_Notifica tion_F

2. Records shall be accessible onsite for twenty-four hour inspection, records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years.

J. Outfall Signage

Not later than 4 months from the effective date of this permit, the permittee shall post a permanent marker on the stream bank of the receiving stream at each outfall that is regulated under this NPDES permit where a marker does not currently exist. This includes final outfalls, bypasses, and combined sewer overflows. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing marker is replaced or reset, the new marker shall comply with the requirements of this section.

K. Monitoring Report Name Change

The name of the monitoring reports required for each effluent table contained in this permit has been changed from "Monthly Operating Report" (MOR) to "Discharge Monitoring Report" (DMR). The circumstances requiring the submittal of a DMR remain the same as those which were required for an MOR. Form 4500 must be used for DMR submittal.

L. All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

M. Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

N. No later than January 31 of each calendar year, the Permittee shall submit two (2) copies of a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the Permittee during the previous calendar year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, and one copy of the report shall be sent to the Southeast Ohio EPA District Office. The report shall be submitted on Ohio EPA Form 4229.

O. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring, and the weight calculations, shall be maintained on site for a minimum of five years. The test methodology used shall be from the latest edition, Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

P. Biomonitoring Program Requirements

As soon as possible but not later than three months after the effective date of this permit, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall 0IL00027001.

General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with "Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency" (hereinafter, the "biomonitoring guidance"), Ohio EPA, July 1998 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance shall be submitted no later than three months after the effective date of this permit. If the laboratory performing the testing has modified its protocols, a new SOP is required.

Testing Requirements

1. Acute Bioassays

For the duration of the permit, the permittee shall conduct quarterly definitive acute toxicity tests using Ceriodaphnia dubia and fathead minnows (Pimephales promelas) on effluent samples from outfall 0IL00027001. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance.

2. Data Review

a. Reporting

Following completion of each quarterly bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1. and 2.H.2.a. of the biomonitoring guidance. Based on Ohio EPA's evaluation of the results, this permit may be modified to require additional biomonitoring, require a toxicity reduction evaluation, and/or contain whole effluent toxicity limits.

b. Definitions

TUa = Acute Toxicity Units = 100/LC50

PART III - GENERAL CONDITIONS

1. DEFINITIONS

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

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"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.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which 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" shall mean 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 which supplies water to 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.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

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

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specificially identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specificially identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specificially identified otherwise.

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

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

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

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;

B. 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;

C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

E. 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;

F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

A. 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 which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

C. 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 Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Enforcement Section ES/MOR
P.O. Box 1049
Columbus, Ohio 43216-1049

Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. 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.

C. 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".

5. SAMPLING AND ANALYTICAL METHOD

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 insure accuracy of measurements.

6. RECORDING OF RESULTS

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

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

B. The person(s) who performed the sampling or measurements;

C. The date the analyses were performed on those samples;

D. The person(s) who performed the analyses;

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

A. All sampling and analytical records (including internal sampling data not reported);

B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

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

8. 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 appropriate district offices of the Ohio EPA. 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.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating 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.

10. RIGHT OF ENTRY

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

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. 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

3. The permittee submitted notices as required under paragraph D. of this section,

B. 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.

C. 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 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;

2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or

3. Any upset which exceeds any effluent limitation in the permit.

4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

B. For the telephone reports required by Part 12.A., the following information must be included:

1. The times at which the discharge occurred, and was discovered;

2. The approximate amount and the characteristics of the discharge;

3. The stream(s) affected by the discharge;

4. The circumstances which created the discharge;

5. The names and telephone numbers of the persons who have knowledge of these circumstances;

6. What remedial steps are being taken; and

7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discovery of the discharge and/or noncompliance and submitted to the appropriate Ohio EPA district office. The report shall include the following:

1. The limitation(s) which has been exceeded;

2. The extent of the exceedance(s);

3. The cause of the exceedance(s);

4. The period of the exceedance(s) including exact dates and times;

5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and

6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).

D. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;

2. The cause of the violation;

3. The remedial action being taken;

4. The probable date by which compliance will occur; and

5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. 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.

13. RESERVED

14. DUTY TO MITIGATE

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

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. 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.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;

2. The addition of any new significant industrial discharge; and

3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which 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, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. 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, 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.

D. In addition to the reporting requirements under 40 CFR 122.41(l) 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:

1. 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).

2. 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).

17. 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.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. 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 appropriate Ohio EPA district 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 appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. 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 appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (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. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. 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.

23. 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.

24. STATE LAWS AND REGULATIONS

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

25. 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.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. 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.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than $25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that 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 conditions of this permit.

31. 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.

32. AVAILABILITY OF PUBLIC SEWERS

Not withstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.