**STATE OF WEST VIRGINIA**
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**
**DIVISION OF WATER AND WASTE MANAGMENT**
**601 57th STREET SE**
**CHARLESTON, WV 25304**

WEST VIRGINIA/NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT

Permit No. WV0111457

Revised Date: XXXXXX
Effective Date: October 12, 2019
Expiration Date: September 12, 2024

Supersedes WV/NPDES General Water Pollution Control Permit WV0111457 Issued March 3, 2014 and Modifies WV/NPDES General Water Pollution Control Permit WV0111457 Issued [date], 2019

Subject: Stormwater Associated With Industrial Activity

This is to certify that any establishment with discharges composed entirely of stormwater associated with industrial activity, and who has satisfied the registration requirements, and agreeing to be regulated under the terms of this general permit (GP) except for:

1. Stormwater discharges associated with industrial activity from facilities with existing effluent limitation guidelines (ELGs) for stormwater, as listed herein.

   Cement Manufacturing (40 CFR Part 411)
   Feedlots (40 CFR Part 412)
   Fertilizer Manufacturing (40 CFR Part 418)
   Petroleum Refining (40 CFR Part 419)
   Phosphate Manufacturing (40 CFR Part 422)
   Steam Electric (40 CFR Part 423)
   Coal Mining (40 CFR Part 434)
   Mineral Mining and Processing (40 CFR Part 436)
   Ore Mining and Dressing (40 CFR Part 440)
   Asphalt Emulsion (40 CFR Part 443)
   Oil and Gas Extraction (SIC Major Group 13)

2. Stormwater discharges associated with the following activities.

   Wood Preserving Facilities (SIC 2491)
   Publicly Owned Treatment Works (POTW) (SIC 33)
   Landfills
   Land Application Sites
   Hazardous Waste Treatment, Storage or Disposal Facilities
   Leather Tanning and Finishing (SIC 3111)
   Water Transportation Facilities (SIC 4412-4499)
   Ship and Boat Building or Repairing (SIC 3731)
   *Primary Metals

   *Primary Metals facilities are eligible for coverage under this GP (under Sector R), if the facility is providing pretreatment for the industrial wastes, in accordance with 47 CSR Part 10.14 and is transferring the wastes to a POTW which has been granted the proper permit or authority to accept such wastes and the facility has a discharge composed entirely of stormwater.

3. Stormwater discharges associated with industrial activity from facilities with an existing individual NPDES permit which covers the stormwater discharges or which are issued a permit in accordance with Section B.1. of this permit.

4. Stormwater discharges associated with industrial activity that the Director has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard.

5. Stormwater discharges associated with construction activities.

6. Registrations approved six months prior to and through the effective date of the GP may retain coverage under the Water Pollution Control Permit WV0111457. This Certification is available for facilities that have had no changes that could affect stormwater discharges since the registration approval date. This coverage is contingent upon all permittee certifying that they will agree to all terms and conditions of this GP by completing the required form provided by the Director.

7. Registrations issued more than 6 months prior to the effective date must submit a complete renewal application within six months of the effective date to continue coverage under this GP. The reissuance application must describe any changes that have taken place since the previous registration including new activities under additional sectors. New sources in this Permit are defined as stormwater discharges from any facility that began operations after the effective date of this GP. All other facilities discharges are defined as existing sources.

is hereby granted coverage under the General WV/NPDES Water Pollution Control Permit to allow stormwater discharges into the waters of the State.

**This permit is subject to the following terms and conditions:**

The information submitted on and with the Site Registration Application Form or any information presently incorporated in the permittee's previous WV/NPDES permits and other conditions set forth in Sections A, B, Appendix A and the approval issued by the Director is hereby incorporated with like effect as if all such information was set forth herein. All facilities requesting coverage under this GP for the first time are required to meet the public notice requirements. This requires a public notice in the local

newspaper with the largest distribution in the area where the facility is located. The cost of this notice is the responsibility of the applicant.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

**Continuation of this GP**

If this GP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 47 CSR Part 10 and remain in force and effect. If you were authorized to discharge under this GP prior to the expiration date, any discharges authorized under this Permit will automatically remain covered by this GP until the earliest of:

1. Your authorization for coverage under a reissued GP or under a replacement of this GP following your timely and appropriate submittal of a complete application requesting authorization to discharge under the new GP and compliance with the requirements of the new permit; or
2. Your submittal of notification that the facility has ceased operations, and a request for termination of permit coverage; or
3. Issuance or denial of an individual permit for the facility's discharge; or
4. A formal permit decision by the Director not to reissue this GP, at which time the Director will identify a reasonable time period of covered dischargers to seek coverage under an alternative GP or individual permit. Coverage under this permit will cease at the end of this time period.
5. If a permittee would like to terminate coverage under this GP, a signed, dated request must be submitted, on a form and in a format approved by the Director. When the request is received the Director has sixty days to conduct a site inspection and request additional information about the site before a decision on termination is made. The Director reserves the right to deny any termination request.

**SECTION A**

This portion of the GP identifies industrial activity eligible for coverage and associated benchmark monitoring requirements.

**Sector A. Stormwater Discharges Associated with Industrial Activity from Timber Products Facilities**

**1.** Discharges Covered Under this Sector. The requirements listed under this section shall apply to stormwater discharges from the following activities: establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in merchant sawmills, lath mills, shingle mills, cooperage stock mills, planning mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely of wood or related materials, except for wood preserving facilities (SIC 2491), wood kitchen cabinet manufacturers (SIC 2434), and timber cutting operations.

**2.** Monitoring Requirements

Table A-1 (SIC 2421)
Monitoring Requirements for General Sawmills and Planning Mills Facilities

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Chemical Oxygen Demand | 120.0 mg/1 | Quarterly |
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |
| Biochemical Oxygen Demand | 30 mg/1 | Quarterly |
| Iron, Total Recoverable | 1.5 mg/1 | Quarterly |

Table A-2
Monitoring Requirements for Log Storage and Handling Facilities (SIC 2411)

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |

Table A-3 (SIC 2435)
Monitoring Requirements for Hardwood Dimensions and Flooring Mills (SIC 2426); Special Products Sawmills, not elsewhere classified (SIC 2429); Millwork, Veneer, Plywood and Structural Wood (SIC 2431-2439, except 2434); Wood Pallets and Skids (SIC 2448); Wood Containers (SIC 2449); Wood Buildings and Mobile Homes (SIC 2451, 2452); Reconstituted Wood Products (SIC 2493); and Wood Products Facilities not elsewhere classified (SIC 2499).

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |
| Total Suspended Solids | 100 mg/1 | Quarterly |

**Sector B. Stormwater Discharges Associated with Industrial Activity from Paper and Allied Products Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from the following activities: facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

2. Monitoring Requirements

Table B-1 (SIC 2621)
Monitoring Requirements for Paper and Allied Products Manufacturing Facilities

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |

**Sector C. Stormwater Discharges Associated with Industrial Activity from Chemical and Allied Products Manufacturing Facilities**

1. Discharges Covered Under this Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC code shown:

a) Basic industrial inorganic chemicals (including SIC Group No. 281).
b) Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other human made fibers, except glass (including SIC Group No. 282).
c) Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers; wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC Group No. 284).
d) Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC Group No. 285).
e) Industrial organic chemicals (including SIC Group No. 286).
f) Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC Group No. 287).
g) Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable)., sizes, bluing, laundry sours, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, and chemical supplies for foundries (including facilities with SIC Group No. 289).
h) Ink and paints, including china painting enamels, India ink, drawing ink, platinum paints, or burnt wood leather work, paints for china painting, artists' paints and artist's watercolors (SIC 3952, limited to those listed).

2. Monitoring Requirements

Table C-1A (SIC)
Agricultural Chemicals Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Nitrate plus Nitrite Nitrogen | 0.68 mg/1 | Quarterly |
| Total Recoverable Lead | 0.0816 mg/1 | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |
| Phosphorus | 2.0 mg/1 | Quarterly |

Table C-1B (SIC 2874)
Agricultural Chemicals Effluent Limits Based on ELG

| Industrial Activity | Parameter | Effluent Limit | Monitoring Frequency |
|---|---|---|---|
| Discharges from phosphate manufacturing facilities (SIC 2874) | Fluoride | 75.0 mg/1 daily maximum | 1/year |
| | | 25.0 mg/1 average monthly | |

Table C-2 (SIC)
Industrial Inorganic Chemicals Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Recoverable Aluminum | 0.75 mg/1 | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |
| Nitrate plus Nitrite Nitrogen | 0.68 mg/1 | Quarterly |

Table C-3 (SIC 2841-2844)
Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Nitrate plus Nitrite Nitrogen | 0.68 mg/l | Quarterly |
| Total Recoverable Zinc | 0.117 mg/l | Quarterly |
| Surfactants | Monitor Only | Quarterly |

Table C-4 (SIC 2821-2824)
Plastics, Synthetics, and Resins Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |

**Sector D. Stormwater Discharges Associated with Industrial Activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturers**

1. Discharges Covered Under This Section

a) The requirements listed under this section shall apply to stormwater discharges from facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) 2951 and 2952.
b) The requirements listed under this section shall apply to stormwater discharges from portable asphalt plant facilities (also commonly identified by SIC 2951).
c) The requirements listed under this section shall apply to stormwater discharges from facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC 2992.
d) Limitations on Coverage. The following stormwater discharges associated with industrial activity are not authorized by this section of the permit.
    1) Stormwater discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC 2911.
    2) Stormwater discharges from oil recycling facilities, and
    3) Stormwater discharges associated with fats and oils rendering.

2. Monitoring Requirements

Table D-1A (SIC 2951-2952)

Asphalt Paving and Roofing Materials Manufacturing Facilities Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |

Table D-2B (SIC 2911)
Asphalt Paving and Roofing Materials Manufacturing Facilities Effluent Limits Based on ELG

| Industrial Activity | Parameter | Effluent Limit | Monitoring Frequency |
|---|---|---|---|
| Discharges from asphalt emulsion facilities | Total Suspended Solids | 23 mg/1 max daily | 1/year |
| | | 15 mg/1 average monthly | |
| | pH | 6.0 — 9.0 s.u. | |
| | Oil and Grease | 15 mg/1 max daily | |
| | | 10 mg/1 average monthly | |

**Sector E. Stormwater Discharges Associated with Industrial Activity from Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from the following activities: manufacturing flat, pressed, or blown glass or glass containers, manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operators: flat glass, (SIC 3211); glass containers, (SIC 3221); pressed and blown glass, not elsewhere classified, (SIC 3229); hydraulic cement, (SIC 3241); brick and structural clay tile, (SIC 3251); ceramic wall and floor tile, (SIC 3253); clay refractories, (SIC 3255); structural clay products not elsewhere classified (SIC 3259); vitreous china table and kitchen articles (SIC 3262); fine earthenware table and kitchen articles (SIC 3263); porcelain electrical supplies, (SIC 3264); pottery products, (SIC 3269); concrete block and brick, (SIC 3271); concrete products, except block and brick (SIC 3272); gypsum products, (SIC 3275); minerals and earths, ground or otherwise treated, (SIC 3295); mineral wool and mineral wool insulation products (SIC 3296). and nonclay refractories, (SIC 3297).

Facilities engaged in the following activities are not eligible for coverage under this section; lime manufacturing (SIC 3274); cut stone and stone products (SIC 3281); abrasive products (SIC 3291); asbestos products (SIC 3292).

2. Monitoring Requirements

Table E.1 (SIC 3251-3259, 3261-3269)

Clay Product Manufacturers Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Recoverable Aluminum | 0.75 mg/1 | Quarterly |
| pH | 6.0 to 9.0 s.u. | Quarterly |

Table E.2 (SIC 3271-3275)

Concrete and Gypsum Product Manufacturers Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |
| pH | 6.0 to 9.0 s.u. | Quarterly |

**Sector F. Stormwater Discharges Associated with Industrial Activity from Automobile Salvage Yards**

1. Discharges Covered Under This Section

The requirements listed under this section shall apply to stormwater associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC 5015).

2. Monitoring Requirements

Table F-1 (SIC 5015)
Automobile Salvage Yards Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Total Recoverable Aluminum | 0.75 mg/1 | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |
| Total Recoverable Lead | 0.0816 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |

**Sector G. Stormwater Discharges Associated with Industrial Activity from Scrap Recycling and Waste Recycling Facilities**

1. Discharges Covered Under this Section. The requirements listed under this section are applicable to stormwater discharges from the following activities: facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC 5093) are also covered under this section.

2. Monitoring Requirements

Table G-1 (SIC 5093)
Industrial activity from Scrap Recycling and
Waste Recycling Facilities (non-source separated only) Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Total Recoverable Aluminum | 0.75 mg/l | Quarterly |
| Total Recoverable Copper | 0.636 mg/l | Quarterly |
| Total Recoverable Iron | 1.5 mg/l | Quarterly |
| Total Recoverable Lead | 0.816 mg/l | Quarterly |
| Total Recoverable Zinc | 0.117 mg/l | Quarterly |
| Oil & Grease | 15 mg/l | Quarterly |

**Sector H. Stormwater Discharges Associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under SIC Major Group 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice.

2. Monitoring Requirements

Table H-1 (SIC 4581)
Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities Monitoring Requirement

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Biochemical Oxygen Demand | 30 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |
| Ammonia | 2.14 mg/1 | Quarterly |
| pH | 6.0 to 9 s.u. | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| Total Suspended Solids | 100 mg/1 | Quarterly |

40 CFR § 449.10 Effluent limitations representing the best available technology (BAT) economically achievable.

Except as provided in 40 CFR §125.30 through 125.32 any existing point source with at least 1,000 annual non-propeller aircraft departures must comply with the following requirements representing the degree of effluent reduction attainable by the application of BAT. The BAT requirements for point sources with less than 1,000 annual non-propeller aircraft departures are beyond the scope of this regulation and shall be determined by the permit authority on a site- specific basis. Any registration under this section will require annual certification in accordance with section (a) below.

(a) Airfield pavement deicing. There shall be no discharge or airfield pavement deicers containing urea. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table H-2, prior to any dilution or commingling with any non-deicing discharge.

Table H-2 — BAT Limitations

| **Waste stream** | **Pollutant** | **Daily Maximum** |
|---|---|---|
| Airfield Pavement Deicing | Ammonia as Nitrogen | 14.7 mg/1 |

40 CFR §449.11 New Source Performance Standards (NSPS).

New sources with at least 1,000 annual non-propeller aircraft departures must achieve the following new source performance standards. The new source performance standards for point sources with less than 1,000 annual non-propeller aircraft departures are beyond the scope of this part and shall be determined by the permit authority on a site-specific basis.

(a) Aircraft deicing. All new sources located in an area that, at the time of construction, had more than 3,000 annual heating degree days, and are estimated, within five years of commencing operations, to exceed 10,000 annual departures must comply with new source performance standards upon the date the facility exceeds 10,000 annual departures. New source performance standards that apply prior to that date, and new source performance standards for sources that project they will not exceed 10,000 annual departures within five years of commencing operations are beyond the scope of this regulation and shall be determined by the permit authority on a site-specific basis.

(1) Collection requirement. The new source must collect at least 60 percent of available Aircraft De-Icing Fluids (ADF).
(2) Numerical effluent limitation. The new source must achieve the performance standards in Table H-3 for available ADF collected pursuant to paragraph (a)(1) of this section. The limitation must be met at the location where the effluent leaves the onsite treatment system utilized for meeting these requirements and before commingling with any non — deicing discharge.

Table H-3 NSPS

| Waste stream | Pollutant | Daily Maximum | Weekly average |
|---|---|---|---|
| Aircraft Deicing | Chemical Oxygen Demand | 271 mg/1 | 154 mg/1 |

(b) Airfield pavement deicing. There shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, any new source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table H-4, prior to any dilution or commingling with any non-deicing discharge.

Table H-4 NSPS

| Waste stream | Pollutant | Daily Maximum |
|---|---|---|
| Airfield Pavement Deicing | Ammonia as Nitrogen | 14.7 mg/1 |

**Monitoring, Reporting and Recordkeeping. For new and existing airports subject to the effluent limitations in Part H.2 of this permit, you must comply with the applicable monitoring, reporting and recordkeeping requirements outlined in 40 CFR 449.20.**

**Sector I. Stormwater Discharges Associated with Industrial Activity from Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities**

1. Discharges Covered Under This Section. Stormwater discharges from ground transportation facilities and rail transportation facilities (generally identified by SIC Major Groups 40, 41, 42, 43, and SIC 5171), that have vehicle and equipment maintenance shops[1] vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section.

2. Monitoring Requirements

Table I-1 (Multiple SIC Codes see item 1 above)
Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities and United States Postal Transportation Facilities Monitoring Requirements.

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|

| | | |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 . | Quarterly |
| Oil and Grease | 15 mg/I | Quarterly |

**Sector J. Stormwater Discharges Associated with Industrial Activity from Food and Kindred Products Facilities**

1. Discharges Covered Under This Section. This section covers all stormwater discharges from food and kindred products processing facilities (commonly identified by SIC Major Group 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Major Group 21), where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewater; sites used for storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products that are exposed to stormwater and areas where industrial activity has taken place in the past and significant materials remain. For the purpose of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

2. Monitoring Requirements

Table J-1 (SIC 2041-2048)
Grain Mill Products Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |

Table J-2 (SIC 2074-2079)
Fats and Oils Products Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Biochemical Oxygen Demand | 30 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |
| Nitrate Plus Nitrite Nitrogen | 0.68 mg/1 | Quarterly |

| | | |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |

**Sector K. Stormwater Discharges Associated with Industrial Activity from Textile Mills, Apparel, and Other Fabric Product Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from the following activities: textile mill products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics, miscellaneous textiles, and other apparel products (generally described by SIC Major Groups 22 and 23).

2. Monitoring Requirements. There is no chemical analysis to be performed for this industry sector.

**Sector L. Stormwater Discharges Associated with Industrial Activity from Wood and Metal Furniture and Fixture Manufacturing Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activities from facilities involved in the manufacturing of: wood kitchen cabinets (generally described by SIC 2434); household furniture (generally described by SIC Group No. 251); office furniture (generally described by SIC Group No. 252); public building and related furniture (SIC 2531); partitions, shelving, lockers, and office and store fixtures (generally described by SIC Group No. 254); and miscellaneous furniture and fixtures (generally described by SIC group No. 259) if waste wood products are exposed to stormwater.

2. Monitoring Requirements.

Table L-1 (Multiple SIC Codes see item 1 above)
Furniture and Cabinet manufacturing Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |

**Sector M. Stormwater Discharges Associated with Industrial Activity from Printing and Plate making Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from the following types of facilities: book printing (SIC 2732); commercial printing, lithographic (SIC 2752); commercial printing, gravure (SIC 2754); commercial printing, not elsewhere classified (SIC 2759); and platemaking and related services (SIC 2796).

2. Monitoring Requirements. There is no chemical analysis to be performed for this industry sector.

**Sector N. Stormwater Discharges Associated with Industrial Activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all stormwater discharges associated with industrial activity from rubber and miscellaneous plastic products manufacturing facilities (SIC Major Group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC Major Group 39, except 391).

2. Monitoring Requirements

Table N-1 (Multiple SIC Codes see item 1 above)
Industrial Activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |

**Sector O. Stormwater Discharges Associated with Industrial Activity from Fabricated Metal Products Industry**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery & transportation equipment, SIC 34 (3429, 3441, 3442, 3443, 3444, 3451, 3452, 3462, 3471, 3479, 3494, 3496, 3499); and jewelry, silverware, and plated ware (SIC Group No. 391).

2. Monitoring Requirements

Table O-1 (Multiple SIC Codes see item 1 above)
Fabricated Metal Products Except Coating Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Recoverable Aluminum | 0.75 mg/1 | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |
| Nitrate plus Nitrite Nitrogen | 0.68 mg/1 | Quarterly |

Table 0-2 (SIC Code 3479)
Fabricated Metal Coating and Engraving Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |
| Nitrate plus Nitrite Nitrogen | 0.68 mg/1 | Quarterly |

**Sector P. Stormwater Discharges Associated with Industrial Activity from Facilities that Manufacture Transportation Equipment, Industrial, or Commercial Machinery**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357. And SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites, sites used for application or disposal of process wastewater; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and area where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

2. Monitoring Requirements

Table P-1 (Multiple SIC Codes see item 1 above)
Transportation Equipment, Industrial, or Commercial Machinery Manufacturing Facilities
Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |

**Sector Q. Stormwater Discharges Associated with Industrial Activity from Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all stormwater discharges associated with industrial activity from facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC Major Group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC Major Group 38) and computer and office equipment (SIC Group No. 357).

2. Monitoring Requirements. There is no chemical analysis to be performed for this industry sector.

**Sector R. Stormwater Discharges Associated with Industrial Activity from Primary Metals Facilities**

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all stormwater discharges from the primary industry, which includes the following types of facilities:

a) Steel works, blast furnaces, and rolling and finishing mills including: steel wiredrawing and steel nails and spikes, cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC Group No. 331).
b) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC Group No. 332).
c) Primary smelting and refining of nonferrous metals, including; primary smelting and refining of copper, and primary production of aluminum (SIC Group No. 333).
d) Secondary smelting and refining of nonferrous metals (SIC 3341).
e) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC Group No. 335).

f) Nonferrous foundries (Castings, including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, and nonferrous foundries, except copper and aluminum (SIC Group No. 336).
g) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC Group No. 339).

Activities covered include, but are not limited to, stormwater discharges associated with coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals.

2. Monitoring Requirements.

Table R-1 (SIC 3312-3317)
Steel Works, Blast Furnaces, and Rolling and Finishing Mills
Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Recoverable Aluminum | 0.75 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |

Table R-2 (SIC 3321-3325)
Iron and Steel Foundries Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Recoverable Aluminum | 0.75 mg/1 | Quarterly |
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Total Recoverable Copper | 0.0636 mg/1 | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| Total Recoverable Lead | 0.0816 mg/1 | Quarterly |

Table R-3 (SIC 3351-3357)
Rolling, Drawing, and Extruding of Non-Ferrous Metals Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Recoverable Copper | 0.0636 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |

Table R-4 (SIC 3363-3369)
Non-Ferrous Foundries Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Recoverable Copper | 0.0636 mg/1 | Quarterly |
| Total Recoverable Zinc | 0.117 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| Total Recoverable Lead | 0.0816 mg/1 | Quarterly |

**Sector S. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in Motorsports including Motorcycles, All Terrain Vehicles and Automobiles**

1. Discharges Covered Under this Section Stormwater discharges from Motorsport complexes that involve the racing of Motorcycles, All Terrain Vehicles, Automobiles or other motorized vehicle (generally identified by SIC Code 7948).

2. Monitoring Requirements

Table S-1 (SIC 7948)
Automobile, Motorcycle, ATV and other Motorsports Complexes Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Oil and Grease | 15 mg/1 | Quarterly |
| Total Suspend Solids | 100 mg/1 | Quarterly |

**Sector T. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in the Mining of Shale for NON-MANUFACTURING PURPOSES.**

1. Discharges Covered Under This Section. Stormwater discharges from facilities engaged in the mining of shale for NON-MANUFACTUIRNG PURPOSES ONLY (generally identified by SIC 1459).
2. Monitoring Requirements

Table T-1 SIC (1459)

Mining of Shale for NON-MANUFACTURING PURPOSES Monitoring Requirements

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/l | Quarterly |
| Total Recoverable Iron | 1.5 mg/l | Quarterly |

**Sector U. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in the Storage of Salt (Less than 50,000 tons only).**

1. Discharges Covered Under This Section. Stormwater discharges from facilities engaged in the storage of less than 50,000 tons of salt (generally identified by SIC 5169).
2. Monitoring Requirements

Table U-1
Storage of Salt (Less than 50,000 tons only Monitoring Requirements (SIC 5169)

| **Pollutants of Concern** | **Benchmark Monitoring Concentration** | **Measurement Frequency** |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Chloride | 860 mg/1 | Quarterly |
| Cyanide | Monitor Only | Quarterly |
| Total Recoverable Iron | 1.5 mg/1 | Quarterly |

**The Following special conditions apply to Sector U.**

Salt piles must be covered at all times by an impervious cover. The only time this cover may be removed is when product is being added or removed. All salt must be entirely stored on an impervious pad. All ponds and diversion ditches must have an impervious liner with a minimum imperviousness of 10 to the negative 7.

**Sector V. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in the transloading of Ammonia Nitrate.**

1. Discharges Covered Under This Section. Stormwater discharges from facilities engaged in the transloading of ammonia nitrate between trucks, barges, and rail cars. (generally identified by SIC 5169).

2. Monitoring Requirements

Table V-1 (SIC 5169)
Transloading of Ammonia Nitrate Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Ammonia Nitrogen | 4 mg/1 | Quarterly |
| Nitrite Plus Nitrate Nitrogen | 0.68 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| pH | 6.0-9.0 s.u. | Quarterly |

**Sector W. Stormwater Discharges Associated with Industrial Activity from Facilities that Are Not Covered Under Sectors A Thru V.**

1. *Discharges Covered Under This Section.* The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from those facilities that are not covered for such discharges under Sectors A thru V. It is the intent of the DWWM that this sector includes those stormwater discharges not covered under Sectors A thru V, at the discretion of the Director; therefore, facilities must request coverage under this sector, it cannot be assumed. In addition to the pollutants of concern listed in Table W-1, the Director may require monitoring of metals or other pollutants, based on evaluation of the subject discharge.

2. Monitoring Requirements

Table W-1
Facilities that Are Not Covered Under Sectors A Thru V Monitoring Requirements

| Pollutants of Concern | Benchmark Monitoring Concentration | Measurement Frequency |
|---|---|---|
| Biochemical Oxygen Demand | 30 mg/1 | Quarterly |
| Chemical Oxygen Demand | 120 mg/1 | Quarterly |
| Total Suspended Solids | 100 mg/1 | Quarterly |
| Ammonia Nitrogen | 4 mg/1 | Quarterly |
| Oil and Grease | 15 mg/1 | Quarterly |
| pH | 6.0-9.0 s.u. | Quarterly |

SECTION B. OTHER REQUIREMENTS

1. Requiring an individual permit.

The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit in accordance with 47 CSR Series 10.13.6.b.2.A. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this GP shall automatically terminate. 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 required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

2. Authorized/Allowable non-stormwater discharges.

The following are non – stormwater discharges that are authorized under this permit for all sectors provided that all discharges comply with the requirements of this permit.

1. Discharges from emergency/unplanned fire-fighting activities.

2. Fire hydrant flushing.

3. Potable water, including waterline flushing.

4. Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gasses or liquids.

5. Irrigation drainage.

6. Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling.

7. Pavement wash waters where no detergents or hazardous cleaning products (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement).

8. Uncontaminated ground water or spring water.

9. Foundation or footing drains where flows are not contaminated with process materials.

10. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., piped cooling tower blowdown; drains.

These other sources of non – stormwater must be identified in the facility's SWPPP.

3. Releases in excess of Reportable Quantities.

This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. The discharge of hazardous substances in the stormwater discharge(s) from a facility shall be in accordance with the applicable Stormwater Pollution Prevention Plan (SWPPP) for the facility.

4. Low Concentration Waiver.

When the average concentration for a pollutant calculated from all monitoring data, with a minimum of four (4) consecutive samples, is less than the corresponding listed cut-off concentration for that pollutant, additional monitoring for that pollutant in Section A, is not required. The facility must submit each year, to The Director in lieu of the monitoring data, a certification (form provided) that there has not been a significant change in the industrial activity or the pollution prevention measures in the area of a facility that drains to the outlet for which sampling was waived.

The waiver is valid only for the term of this permit if the facility maintains a current registration. If a facility would like to continue its waiver after this date it must reapply at the time of reissuance. The sampling required for a waiver extension consists of one (1) sample of each pollutant. If the sample is less than the corresponding listed cut-off concentration, then the waiver may be extended for the subsequent permit term.

5. Natural Background Pollutant Levels

Following the first two quarterly benchmark monitoring results, if the average concentration of a pollutant exceeds a benchmark value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

-The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;

-The permittee documents and maintains with the Stormwater Pollution Prevention Plan (SWPPP) the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and

-The permittee notifies the Director on its final (second) quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility, or pollutants in run-on from neighboring sources which are not naturally occurring.

6. Benchmark Monitoring

Most monitoring in this permit is benchmark monitoring. The "benchmarks" are the pollutant concentrations above which The Director determined represents a level of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by the DWWM as a level, that if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are successfully being implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the DWWM is using to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a SWPPP. As such, these levels represent a target concentration for a facility to achieve through the appropriate selection and implementation of pollution prevention measures at the facility.

The SWPPP must be reviewed in accordance with Section B.19.c. and Section 6.c.after the average of four consecutive samples are above the benchmark level for the sampled parameter. Based upon the modification of this plan, the selection, design, installation, and implementation of any control measures at the facility may be required to ensure that all sampled parameters meet the required benchmark levels.

After completing corrective actions and modifying the SWPPP, if benchmarks are further exceeded, the permittee must apply for individual permit coverage.

6.a. Corrective Actions and Deadlines

Immediate Actions.

If corrective action is needed, permittees must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. Note: In this context, the term “immediately” requires permittees to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the workday when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following workday. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date. “All reasonable steps” for purposes of complying with Section 6 -reviewing SWPPP to determine if modifications are necessary, when in fact, a corrective action is not necessary must include documenting why a corrective action is not necessary.

Subsequent Actions.

If a permittee determines that additional actions are necessary beyond those implemented pursuant to this section, the permittee must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar days, the permittee must document why it is infeasible to complete the corrective action within the 14-day timeframe. The permittee must also identify the

schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, the permittee may take the minimum additional time necessary to complete the corrective action, provided that DEP is notified of the intention to exceed 45 days, along with the rationale for an extension, and a completion date, which the permittee must also include in the corrective action documentation. Where the permittee's corrective actions result in changes to any of the controls or procedures documented in the approved SWPPP, the SWPPP must be modified accordingly within 14 calendar days of completing corrective action work. These time intervals are not grace periods, but are schedules considered reasonable for documenting findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

Corrective Action Documentation.

The permittee must document the existence of any of the conditions listed in this section within 24 hours of becoming aware of such condition. Permittees are not required to submit corrective action documentation to DEP, unless specifically requested to do so. However, a summary of corrective actions or subsequent findings following SWPPP review must be documented in the SWPPP. The following documentation is required: • Description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of the state, through stormwater or otherwise; • Date the condition was identified; • Description of immediate actions taken to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases; and • A statement, signed and certified in accordance Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

The permittee must also document the corrective actions taken or to be taken as a result of the conditions listed in this section (or, for triggering events where the permittee determines that corrective action is not necessary, the basis for this determination) within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and completed (or is expected to be completed). If applicable, document why it is infeasible to complete the necessary installations or repairs within the 14-day timeframe and document the schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe. If DEP was notified regarding an extension of the 45-day timeframe, the permittee must document the rationale for an extension.

Effect of Corrective Action.

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. DEP will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

7. Effluent Limit Monitoring

For Sector H, Stormwater Discharges associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities, there is an effluent limitation that applies to both existing sources and new sources. For existing sources, there shall be no discharge of urea from airfield pavement, which can either be met by certifying in the annual report that non-urea containing deicing products are being used, or by meeting with the effluent limit of 14.7 mg/1 Ammonia as Nitrogen before the discharge comingles with non-deicing discharges. For new sources, not

only does the no discharge of urea from airfield pavement deicing apply, along with the applicable effluent limit listed above, but all new sources must also collect 60% airplane deicing fluid that is used in the deicing and anti-icing of airplanes prior to takeoff. New sources must also meet an effluent limit of 271 mg/1 daily maximum and 154 mg/1 weekly for Chemical Oxygen Demand where the airplane deicing fluid leaves the site and prior to where it comingles with non-deicing discharges.

8. SWPPP Practice Review

The Permittee shall review its stormwater pollution prevention practices each year and revise the SWPPP (required in Section B-9), if the average concentration for any indicator pollutant in the previous year's sampling was greater than the corresponding benchmark monitoring value for that pollutant. The SWPPP must be revised within thirty (30) days of finding the previous year's sampling results being over the benchmark value.

9. No Exposure Certification

A facility that has a SIC code listed in section A requiring them to be covered under this permit is exempt from permitting requirements if they meet the following requirements consistent with the Code of Federal Regulations 40 CFR section 122.26(g).

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snowmelt, and/or runoff. Industrial materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm-resistant shelter is not required for the following industrial materials and activities:

-- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;

-- adequately maintained vehicles used in material handling; and

-- final products, other than products that would be mobilized in stormwater discharges (e.g. rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. The certification must be submitted with each permit reissuance along with the required fee determined by 47 CSR Series 26.

If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, and / or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement as an un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

Notwithstanding the provisions of this paragraph, the Director retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

10. Representative Discharge.

When a facility has two or more outlets that, based on a consideration of the industrial activity, significant similar materials management practices and activities within the areas drained by the outlet, which results in similar discharges from these outlets.

If the permittee reasonably believes that these outlets discharges substantially identical effluents then, the permittee may test the effluent of one of such outlets and report that the quantitative data also applies to the substantially identical outlet(s). This is allowed provided that the permittee includes in the SWPPP, a description of the location of the outlets and explains in detail why the outlets are expected to discharge substantially identical effluents. In addition, for each outlet that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g. low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the SWPPP. The permittee shall include the description of the location of the outlets, explanation of why outlets are expected to discharge substantially identical effluents and estimate of the size of the drainage area and runoff coefficient with the Stormwater Monitoring Report.

11. Visual Examination of Stormwater Quality

The permittee shall perform and document a visual examination of a stormwater discharge associated with industrial activity for each outlet quarterly. The examination shall be conducted from samples collected within the first 30 minutes (or as soon thereafter as practical, but not exceed one hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. All visual examination reports must be maintained onsite in the SWPPP.

12. Water Quality Standards,

The discharge shall not cause or materially contribute to: distinctly visible floating or settable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

13. Antidegradation Requirements

All new permittees are required to comply with antidegradation requirements and therefore new applications are required to be sent to public notice. In addition, best management practices must be implemented and in place before any stormwater discharge. Stormwater and groundwater protection plans must be submitted and reviewed prior to issuance of individual registrations under this permit.

Any new facility not is eligible for coverage under this permit for discharges to waters designated as Tier 3 (outstanding national resource waters) under 40 CFR section 131.13(a)(3.

15. TMDL and CWA Section 303(d) Impaired Waters Requirements,

Permittees discharging pollutants of concern to 303 (d) impaired water or waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this GP. Therefore, the permittee must submit an NPDES application to WV DEP for coverage under an individual NPDES permit. Applicants shall consult with the State permitting authority to confirm if the facility will require an individual permit.

Chesapeake Bay TMDL and West Virginia Watershed Improvement Plan (WIP).

In the state of West Virginia, the Counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy and Pendleton drain to the Chesapeake Bay and must take steps to comply with the assumptions and requirements of the Chesapeake Bay TMDL and the West Virginia WIP. The existing facilities covered under this GP are not expected to have a reduction in loadings affecting the TMDL. The Phase 6 Watershed Model and West Virginia's Phase 3 WIP assumes any new facility will be developed on previous developed land or on agricultural lands resulting in a reduction of load to the Chesapeake Bay with proper post construction BMPs. The proper implementation of required SWPPPs and GPPs by facilities as indicated by section 19 of this GP will address the requirements of the WIP.

16. Endangered and Threatened Species Requirements,

The permittee shall perform an investigation to determine whether their discharge will impact any endangered and/or threatened species, including critical habitat. If a site discharges to a stream where a Federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service for a determination that requirements of the Federal Endangered Species Act are met.

17. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit in accordance with Section B.1. of this permit or the permit registration may be modified to include different limitations and/or requirements.

18. Other Statutes or Regulations

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

19. SWPPP and Groundwater Protection Plans (GPP)

Each facility covered by this permit shall develop and implement a SWPPP and a GPP. Both the SWPPP and GPP must be developed and maintained as separate stand-alone documents. The SWPPP shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the SWPPP shall describe the implementation of practices which are to be used to reduce the pollutants in stormwater discharges

associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The SWPPP and the GPP shall be signed in accordance with Appendix A (Section 1.6) of this permit and shall be retained on site. The permittee shall make plan(s) available, upon request, to the Director or authorized representative. All facilities wishing to be covered by this permit must submit a copy of the SWPPP and GPP with the application for review. The SWPPP must be prepared by a qualified person.

A qualified person is a person who is knowledgeable in the principles and practices of sediment and erosion controls, pollution prevention, and possesses the education and abilities to assess conditions at the proposed site that could impact stormwater quality and to assess the effectiveness of proposed stormwater controls to meet the requirements of this permit.

When the plan(s) are reviewed by the Director or authorized representative, that individual may notify the permittee at any time that either the SWPPP or the GPP does not meet one or more of the requirements of this section. After such notification, the permittee shall make changes to the plan in accordance with the time frames established.

The SWPPP must be modified after the average of four consecutive samples are above the benchmark level for the sampled parameter. Based upon the modification of this plan, the selection, design, installation and implementation of any control measures at your facility may be required to ensure that all sampled parameters meet the required benchmark levels.

All SWPPPs and GPPs required under this permit are considered reports that shall be available to the public under Section 308 (b) of the Clean Water Act (CWA). The owner or operator of a facility with stormwater discharges covered by this permit shall make plans available to members of the public upon request by the public. However, the permittee may claim any portion of a SWPPP plan as confidential in accordance with 47 CSR Series 12.7.a

If representative organization of a significant number of facilities in a particular SIC code can develop and demonstrate an acceptable SWPPP, and GPP template, the Director will review this approach for considering those facilities for coverage under this GP and in compliance with this section.

A. SWPPP Requirements

1. Contents of SWPPP.

a. The plan shall include, but not be limited to, the following items: Description of Industrial Activities and Potential Pollutant Sources. The plan shall provide a description of the nature of the industrial activities and potential sources which may be reasonably expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities which have the potential to be significant pollutant sources, including: 1) loading or unloading of dry bulk materials or liquids, 2) outdoor storage of raw materials, intermediary products or final products, 3) outdoor process activities, 4) dust or particulate generating processes, 5) illicit connections or management practices, and 6) waste disposal

practices. To facilitate this process, the plan, shall also include, but not be limited to:

1. A site map indicating, each drainage and discharge structure; an outline of the drainage area of each discharge point, each past or present area used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in stormwater runoff; materials loading and access area; each hazardous waste storage or disposal facility (including each area not required to have a Resource Conservation and Recovery Act (RCRA) permit which is used for accumulating hazardous waste under 40 CFR section 262.34); each well where fluids from the facility are injected underground; sinkholes; springs; and other surface water bodies;

2. An estimate of the area of impervious surfaces (including paved areas and building roofs) relative to the total area drained by each outlet;

3. A topographic map (or other map if a topographic map is unavailable), extending one mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. The requirements of this paragraph may be included in the site map required under Section (A) under SWPPP Requirements.

4. A narrative description of significant materials that have been treated, stored or disposed in a manner to allow exposure to stormwater between the time of three years prior to the date of the coverage under this permit and the present; method of on-site storage of disposal; materials management practices employed to minimize contact of these materials with stormwater runoff between the time of three years prior to the date of issuance of this permit and the present; materials loading and access areas; the location and a description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and description of any treatment the stormwater receives.

5. A list of significant spills and leaks of toxic or hazardous pollutant that occurred at the facility after the date of three (3) years prior to coverage under this permit and the present. Such list shall be updated when a significant spill or leak of toxic or hazardous pollutants occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken;

6. For each area of the plant that generates stormwater discharges associated with industrial activity, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in stormwater discharges associated with industrial activity; and

7. A summary of existing sampling data describing pollutants in stormwater discharges.

2. Stormwater Management Controls

a. Each facility covered by this permit shall develop a description of stormwater pollution controls appropriate for the facility and implement such controls. Priorities developed in a plan for implementing controls shall reflect the nature of identified potential sources of pollutants at the facility. The description of stormwater pollution controls shall address the following minimum components, including a schedule for implementing such controls:

1. Pollution Prevention Committee - The SWPPP shall include a description of the stormwater Pollution Prevention Committee that identifies specific individuals within the organization who are responsible for developing the SWPPP and assisting the manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's SWPPP.

2. Risk identification and Assessment/Material Inventory - The SWPPP shall assess the potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity. The SWPPP shall inventory the types of materials handled, the location of material management activities, and types of material management activities. Factors that shall be considered when evaluating the pollution potential of runoff from various portions of an industrial plant include: loading and unloading operations, outdoor storage activities; fueling operations; vehicle maintenance and cleaning; outdoor manufacturing or processing activities; dust or particulate generating processes; and waste disposal practices. Other factors to consider are the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of water quality violations; history of significant leaks or spills of toxic or hazardous pollutants; and nature and uses of the receiving waters.

3. Preventive Maintenance – The SWPPP shall include a preventive maintenance program that involves inspection and maintenance of stormwater pollution prevention

devices (e.g., cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

4. Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.

5. Spill Prevention and Response Procedures - Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the SWPPP. Where appropriate, the SWPPP shall specify material handling procedures and storage requirements. Procedures for spill cleanup and the necessary equipment to implement a cleanup shall be identified in the SWPPP and made available to all personnel.

6. Sediment and Erosion Prevention - The SWPPP shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion. Facilities covered under Sector T shall be required to submit a sediment and erosion control plan.

7. Employee Training - Employee training programs that inform personnel at all levels of responsibility of the components and goals of the SWPPP shall be conducted annually. Training shall address topics such as spill response, good housekeeping, and material management practices. Records of the training programs performed (including date, topics, attendees, etc.) shall be maintained in the SWPPP.

8. Visual Inspections - Qualified company personnel shall be identified to inspect designated equipment and plant or other appropriate areas for quarterly visual inspections. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking and follow-up program shall be developed to ensure that adequate response and corrective actions have been taken in response to observations/findings during the inspection. Records of inspections and any corrective actions taken shall be maintained in the SWPPP.

9. Record keeping and Internal Reporting Procedures - Incidents such as spills, leaks, and improper dumping, along with other information describing the quality and quantity of stormwater discharges from the facility shall be included in the SWPPP. Inspections and maintenance

activities (such as cleaning oil and grit separators or catch basins) shall be documented and maintained in the SWPPP.

10. Non-Stormwater Discharges - A certification that the discharge has been tested for the presence of non-stormwater discharges shall be included in the SWPPP. The certification shall include a description of the results of any test for the presence of non-stormwater discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outlet, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPP shall indicate why the certification required by this section was not feasible.

3. Site Inspection

   A site inspection shall be conducted annually by appropriate personnel named in the SWPPP to verify that (1) the description of all potential pollutant sources required is accurate; (2) the drainage map has been updated or otherwise modified to reflect current conditions; and (3) the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. Records documenting significant observations made during the site inspection shall be retained as part of the SWPPP for three years.

4. Hazardous Substance Release

   A facility which has experienced one or more releases of a hazardous substance in excess of reporting quantities established at 40 CFR section 117.3 or 40 CFR section 302.4 within twelve months prior to the effective date of this permit, or at any time after the effective date of this permit, shall include as part of the SWPPP for the facility a written description of each release, corrective actions taken in response to the release, and measures taken to prevent recurrence. (Note: Section B.3. of this permit prohibits stormwater discharges which, during any 24-hour period, contain a hazardous substance equal to or in excess of the reporting quantities of 40 CFR Part 117 and 40 CFR Part 302.)

5. Consistency with Other Plans and Programs

   Stormwater management plans and programs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA or BMP plans otherwise required by a WV/NPDES permit and may incorporate any part of such plans into the SWPPP by reference.

B. Groundwater Protection Plan Requirements

1. Groundwater Protection Plans (GPPs) shall be prepared in accordance with this Section and the requirements of 47 CSR, Series 58, Section 4.11., et. seq. (Groundwater Protection Regulations). All GPPs must contain the following information.

2. An inventory of all operations which may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations. The following potential sources must be considered: Outside materials storage areas; Disposal areas; Loading and unloading areas; Bulk storage and distribution areas; Drums; Sumps; Pumps; Tanks; Impoundments; Ditches; and Underground Pipelines. In addition, the GPP shall provide a thorough and detailed description of procedures designed to protect groundwater from the identified potential contamination sources. Specific attention must be given to manufacturing facilities, materials handling, equipment cleaning, construction activities, maintenance activities, pipelines, sumps, and tanks containing contaminants.

3. For facilities which have areas that require remedial action to install, implement, or develop procedures or control equipment to protect groundwater, a schedule of compliance listing such areas, the remedial actions necessary, and the projected date such remedial actions will be completed. The schedule of compliance is a part of the GPP and enforceable under 47 CSR, Series 58, Section 4.12.e. 1.

4. A thorough and detailed list of groundwater protection procedures to be employed in the design of new equipment or operations.

5. A thorough and detailed summary of all activities carried out under other regulatory programs which have relevance to groundwater protection (for example: RCRA, The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Stormwater Permit, SPCC, Toxic

Substances Control Act, Department of Transportation training requirements, Management of Used Oil, etc.)

6. All reasonably available information on groundwater quality at the site. This should include any known sampling in the area, other potential sources of contamination, depth to groundwater, and any other information available.

7. A statement that no wastes will be used for deicing, fills, or for other uses on the site unless provided for in existing rule.

8. Documentation that annual training all employees and contractor personnel on their responsibility to ensure groundwater protection was conducted. Job procedures shall provide direction on prevention of groundwater contamination.

9. Instructions for quarterly inspections of the facility to ensure that all elements and equipment of the groundwater protection programs are in place, functioning properly, and are appropriately managed. Documentation of all inspections conducted shall also be included in the GPP.

C. SWPPP Modifications

a. Permittees must review the SWPPP to determine if modifications are necessary if any of the following conditions occur:

1. Construction or a change in design, operation, or maintenance at your facility that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged.

   The average of four quarterly sampling results exceeds an applicable benchmark If less than four benchmark samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.

20. Requirements for termination of GP registrations.

To request that the site's GP registration be terminated, the permittee must submit a written certification to the WV DEP that meets the following requirements.

A. The request includes the following statement.

By completing and submitting this revocation application request, I have reviewed all site conditions and verify that no point sources associated with industrial activity are located on the permitted site.
I certify under penalty of law that I have personally examined and am familiar with the information submitted on this closure request and all attachments and that, based on my

inquiry of those individuals immediately responsible for obtaining 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.

B. The permittee provides the Director sixty days to conduct a site inspection before the GP registration is closed.

C. The request provides photographs, site sketches, disposal logs or any other requirements deemed necessary by the Director to determine that the site no longer needs permit coverage.

D. The Director reserves the right to deny any termination request.

The herein described activity is to be constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; with all plans and specifications previously submitted with the individual site registration application form or individual permit application; with a plan of maintenance and method of operation thereof; and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications previously submitted with individual site registration application form or individual permit application, and with a plan of maintenance and method of operation thereof shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia.

BY: _____

Katheryn Emery
Acting Director

**WV/NPDES Permit No. WV0111457**
**Appendix A**

## I. MANAGEMENT CONDITIONS:

### 1. Duty to Comply

a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.

b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA 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.

### 2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit within six months of receipt of the notice to reapply using WV DEP's online permitting system. Since the permittee is registered for coverage under a GP, the agency will notify the permittee regarding permit reissuance at the appropriate time.

### 3. 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.

### 4. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

### 5. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

### 6. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

### 7. Transfers

This permit coverage is not transferrable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

### 8. Duty to Provide Information

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

### 9. Other Information

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.

**10. Inspection and Entry**

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

a) Enter upon the permittee's premises in which an effluent source or activity is located, 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 this permit;

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

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

**11. Permit Modification**

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 (of the Code of West Virginia).

**12. Water Quality**

The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Environmental Quality Board.

**13. Outlet Markers**

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

**14. Liabilities**

a) Any person who violates a permit condition is subject to a civil penalty not to exceed $25,000 per day of such violation as provided in W. Va. Code § 22-11-22. Any person who willfully or negligently violates permit conditions is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both, as provided in W. Va. Code §22-11-24.

b) 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 $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

c) 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 reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both, in accordance with W. Va. Code § 22-11-24.d). Nothing in C.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

**15. 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 CWA.

## II. OPERATION AND MAINTENANCE:

### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### 2. 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 the permit.

### 3. Bypass

a) Definitions

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes 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.

b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.

c) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of the bypass;

d) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.

e) Prohibition of bypass

f) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, 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 equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The permittee submitted notices as required under II.3.c) of this permit;

4. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

### 4. Upset

a) Definition. "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

b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that

1. An upset occurred and that the permittee can identify the cause(s) of the upset
2. The permitted facility was at the time being properly operated;
3. The permittee submitted notice of the upset as required in IV.2.b) of this permit.
4. The permittee complied with any remedial measures required under I.3. of this permit.

d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

### 5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Director, any solids, sludge, filter backwash or other pollutants (removed in the course of treatment or control of wastewater) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

## III. MONITORING AND REPORTING

### 1. Representative Sampling, Sample Type and Sampling Period

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the retention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a grab sample may be taken at any time within 24 hours from the beginning of rainfall. For all other discharges, samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impractical, a sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impractical.

Monitoring for all parameters for sectors A—W must be taken before the stormwater comingles with the receiving water. Samples must be taken as close to receiving waters as possible.

Permittee's quarterly reporting start date is determined by the date coverage under the GP was issued and/or reissued. Registrations issued/reissued on the first through the fifteenths of a month will use that month to determine the quarterly reporting date. Registrations issued after the fifteenth of each month will use the next month to determine the reporting start date. For example, if permit coverage was issued in February, on or prior to the 15th of the month, you would report your results by May 20th. If permit coverage was issued in February, after the 15th of the month, you would report your results in June 20th.

**2. Reporting**

a) Permittee shall submit each reporting period, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Part A analytically determined to be in the effluent(s).

b) The required DMRs must be submitted electronically unless otherwise approved by the agency in writing, in which case the following applies:

The required DMR should be mailed no later than 25 days following the end of the reporting period and be addressed to:

Director
Division of Water and Waste Management
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304
Attention: Permitting Section and Environmental Enforcement Supervisor
(Approval letter will have appropriate address)

**3. Test Procedures**

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

**4. Recording of Results**

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

a) The date, exact place, and time of sampling or measurement;
b) The date(s) analyses were performed;
c) The individual(s) who performed the sampling or measurement;
d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
e) The analytical techniques or methods used, and
f) The results of such analyses. Information not required by the DMR form is not to be submitted to this agency but retained as required in 111.6.

**5. Additional Monitoring by Permittee**

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be

indicated. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

**6. Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

**7. Definitions**

a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified 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.

b) "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.

c) "Maximum daily discharge limitation" means the highest allowable daily discharge.

d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.

e) "Grab Sample" is an individual sample collected in less than 15 minutes.

f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.

g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.

h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.

i) The "daily average fecal coliform" bacteria is the geometric average of all samples collected during the month.

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

k) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.

1) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.

m) "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

n) "CWA" means CWA or the Federal Water Pollution Control Act.

o) "Director" means the Director of the Division of Water and Waste Management, Department of Environmental Protection or their designated representative.

p) "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

q) "Salt Piles" means the commercial storage of common salt (sodium chloride).

r) "Section 313 water priority chemicals" means a chemical or chemical category which are:

(1) Listed at 40 CFR 372.65 pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;

(2) Present at or above threshold levels at a facility subject to SARA Title III, section 313 reporting requirements; and

(3) Meet at least one of the following criteria: (1) Area listed to appendix D of 40 CFR part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) Are listed as a hazardous substance pursuant to Section 311 (b)(2)(A) of the CWA at 40 CFR Part 116.; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

s) "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

t) "Site Registration Application Form" means the form(s) designed by the Director for the purpose of making application for coverage under a GP.

u) "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the CWA (see 40 CFR §110.10 and 40 CFR § 117.21) or section 102 of CERCLA (see 40 CFR § 302.4).

v) "Stormwater" means stormwater runoff, snow melt runoff and surface runoff and drainage.

w) "Stormwater Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and which 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. For the categories of industries identified below in (i) through (xi), the terms includes, but is not limited to stormwater 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 wastewater (as defined at 40 CFR Part 401); 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 finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the categories of industries identified below in (xi) the term includes only stormwater discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to stormwater. For the purposes of the stormwater regulations (40 CFR Part 122.26), material handling activities include the storage, loading and uploading, transportation, or conveyance of any raw material, intermediate product, finished 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 stormwater drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in the paragraphs (i)-(xi)) include those facilities designated under 40 CFR Part 122.26(a)(i)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of these regulations:

(i) Facilities subject to stormwater EGL, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (Xi);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 30, 311, 32, 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR § 434.11 (1)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that-has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfill and land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified in (Ii)-(vii) or (ix)-(x) are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with the design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farmlands, domestic gardens or lands used for sludge management where sludge is beneficially reused, and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;

(x) Construction activities, including clearing, grading and excavation activities except operations that result in the disturbance of less than three acres of total land area which are not part of a larger common plan of development or sale.

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 26, 27 (except 373), 38, 39, 4221-25), (and which are not otherwise included within categories (i)-(xi)).

(xii) "Trout Streams" means any waters which meet the definition of Section 2.18 of 46CS R1.

(xiii) "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

(xiv) "25-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 25 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(xv) "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

## IV. OTHER REPORTING

### 1. Reporting Spills and Accidental Discharges

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 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

Attached is a copy of the West Virginia Spill Alert System for use in complying with 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

### 2. Immediate Reporting

a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance:

b) The following shall also be reported immediately:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
(2) Any upset which exceeds any effluent limitation in the permit; and
(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.

d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with 47, Series 11, Section 2.

**3. Reporting Requirements**

a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge.

b) Anticipated noncompliance. 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.

**4. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a).