Application No. OH0144576

Issue Date:

Effective Date:

Expiration Date: 5 Years

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

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

American Energy Corporation/Century Mine
(Bennoc Refuse Disposal Area)

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Century Mine-"Bennoc" Refuse Disposal Area located at 43521 Mayhugh Road, Washington Twp., Belmont County Ohio and discharging to unnamed tributaries of Piney Creek in accordance with the conditions specified in Parts I, II, and III of this permit.

I have determined that a lowering of water quality in unnamed tributaries and Piney Creek is necessary. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the area in which the water body is located.

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

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

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Scott J. Nally
Director

Total Pages: 32

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

1. During the period beginning on the effective date of this permit and lasting until the expiration date , the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00159023. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 023 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00095 - Specific Conductance at 25 Degrees C - Umho/cm	-	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	-	-	-	-	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Total Estimate	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 5
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

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Notes/Conditions for Station Number 023:

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- Discharges from this outfall are limited to intermittent, storm water-induced, noncontinuous discharges.
- Monitoring and sampling shall be performed as required in the above table. If no sample is collected or data is not reported because there is no discharge or for any other reason, see Part II, Item C. for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR or eDMR).
-Alternative Effluent Limits- Discharges from this outfall may, as an option, comply with effluent limitations and monitoring requirements listed in Part II, Item H provided that all the conditions are met.
-Semi-annual-5 means that sampling is required in May and November.

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

2. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00159024. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 024 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00095 - Specific Conductance at 25 Degrees C - Umho/cm	-	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	-	-	-	-	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Total Estimate	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 5
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

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Notes/Conditions for Station Number 024:

- Discharges from this outfall are limited to intermittent, storm water-induced, noncontinuous discharges.
- Monitoring and sampling shall be performed as required in the above table. If no sample is collected or data is not reported because there is no discharge or for any other reason, see Part II, Item C. for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR or eDMR).
-Alternative Effluent Limits- Discharges from this outfall may, as an option, comply with effluent limitations and monitoring requirements listed in Part II, Item H provided that all the conditions are met.
-Semi-annual-5 means that sampling is required in May and November.
-See notes for station 0IL00159824.

Part I, B. - UPSTREAM MONITORING REQUIREMENTS

1. Upstream Monitoring. During the period beginning on the effective date and lasting until the expiration date , the permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 0IL00159824, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Upstream Monitoring - 824 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00095 - Specific Conductance at 25 Degrees C - Umho/cm	-	-	-	-	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

NOTES for Station Number 0IL00159824:

Sampling for all 1/month parameters at station 0IL00159824 shall be conducted on the same day as a discharge from Outfall 0IL00159024 if a discharge occurs from 0IL00159024 during the month. Sampling of 1/month parameters at station 0IL00159824 is required even if there are no discharges from Outfall 0IL00159024.

Part I, B. - UPSTREAM MONITORING REQUIREMENTS

2. Upstream Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 0IL00159825, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Upstream Monitoring - 825 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00095 - Specific Conductance at 25 Degrees C - Umho/cm	-	-	-	-	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

NOTES for Station Number 0IL00159825:

Sampling for all 1/month parameters at station 0IL00159825 shall be conducted on the same day as a discharge from Outfall 0IL00159023 or 0IL00159024 if a discharge occurs from at least one of those outfalls during the month. Sampling of 1/month parameters at station 0IL00159825 is required even if there are no discharges from Outfalls 0IL00159023 and 0IL00159024.

Part I, B. - DOWNSTREAM-FARFIELD MONITORING REQUIREMENTS

3. Downstream-Farfield Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the receiving stream, downstream of the point of discharge, at Station Number 0IL00159925, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Downstream-Farfield Monitoring - 925 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00095 - Specific Conductance at 25 Degrees C - Umho/cm	-	-	-	-	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

NOTES for Station Number 0IL00159925:

Sampling for all parameters at station 0IL00159925 shall be conducted when a discharge from Outfall 0IL00159023 and/or Outfall 0IL00159024 is occurring. Sampling of parameters at this station is not required if there are no discharges from either Outfall 0IL00159023 or Outfall 0IL00159024 during the month. If no discharges from Outfall 0IL00159023 or 0IL00159024 occur during the month, report "AH" for all parameters in eDMR for this station and provide an explanation in the comments.

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SCHEDULE OF COMPLIANCE

1. CONSTRUCTION OF STREAM FLOW MONITORING DEVICES

As soon as possible but not later than 6 months after the effective date of this permit, the permittee shall construct, and have operational, flow monitoring devices at Stations 0IL00159824 and 0IL00159825. The devices shall be capable of measuring flow values as low as 0.01 million gallons per day. [Event Code 5599]

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Part II, OTHER REQUIREMENTS

A Descriptions and location of the permitted/authorized discharges and outfalls and sampling/monitoring stations are as follows:

Authorized Discharges, Permitted Outfalls, or Other Sampling and Monitoring Stations	Description of Location
0IL00159023	Final effluent from Pond 023 discharge pipe (Lat: 39N 54' 6 "; Long: 81W 1 ' 6")
0IL00159024	Final effluent from Pond 024 discharge pipe (Lat: 39N 54' 15 "; Long: 81W 0' 53")
0IL00159824	Unnamed tributary of Piney Creek immediately upstream of Outfall 0IL00159024.
0IL00159825	Piney Creek upstream of the Outfall 0IL00159023 unnamed tributary and downstream from all outfalls covered by Ohio NPDES permit # 0IL00091.
0IL00159925	Piney Creek downstream of the Outfall 0IL00159023 and 0IL00150024 tributaries.

B. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

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C. Monitoring/Reporting Requirements and Reporting Codes for Monitoring/Sampling Stations.

1) If there is no discharge during the month:

a) If using form 4500, report "AL" in the first column of the first day of the month. The AL code is only valid for DMRs submitted on paper using form 4500. Do not report "0" for flow or use any other reporting codes other than "AL".

b) If using e-DMR, DO NOT USE THE "AL" CODE or any other code or report "0" for flow. If no discharge occurred for the full monitoring period, select the "No Discharge" check box at the top of the e-DMR form and enter "No discharge during the month" in the Remarks Section.
Sign or PIN the DMR.

2) If there are no discharges on one or more required monitoring days during the month:

a) Enter the required monitoring data for the days when a discharge occurred;
b) For each required monitoring day there was no discharge, do not enter "0" for flow. Enter code "AC" for each parameter for each monitoring day the facility was not discharging.

3) If no sample is taken on a required monitoring day, use these codes if applicable:

a) Use the "AN" or the "AH" codes. Use the "AN" code to indicate when samples are not collected on days that the facility is not normally staffed. The use of this code is limited to Saturdays, Sundays, and officially recognized municipal holidays if the treatment plant is not normally staffed on those days and staff are needed for sampling. This code is only acceptable for parameters that are sampled daily, but cannot be used if continuous monitoring and recording is used, e.g. flow metering, continuous pH or temperature monitoring. For parameters sampled at a lesser frequency, the sampling date should be moved to a date when the facility is staffed. Enter code "AN" for each parameter for each monitoring day the facility was not staffed.

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b) Use the "AH" code when a required sample is not taken for a reason other than one covered by another "A" code. An explanation as to why the sample was not taken must be entered as a Specific Comment for that parameter and date on eDMR or in the Remarks Section of the form 4500. Enter code "AH" for each parameter for each monitoring day a sample was not taken.

c) Data Substitution Codes (a.k.a. "A Codes") used on the Monthly Discharge Monitoring Report form or eDMR are as follows:

AA - Below Detectable Limit
AB - Analytical Data Lost
AC -Facility Not Discharging (or No Sludge Hauled)
AD - Automatic Analyzer Out of Service
AE - Analytical Data Not Valid
AF - Sample Site Inaccessible Due to Flooding or Freezing
AH - Sample Not Taken, Explanation Included
AJ - Above Range of Automatic Analyzer
AK - Biological Sample Too Numerous to Count
AL - No Discharge For the Month
AN - Sample Not Taken, Plant Not Normally Staffed (Saturdays, Sundays, and Holidays)

More detailed information about the A Codes is available at:
www.epa.state.oh.us/LinkClick.aspx?fileticket=5vr4U3Jt65A%3d&tabid=3425&mid=647

4) More information about eDMR is at: www.epa.state.oh.us/dsw/edmr/eDMR.aspx

D. A Permit to Install (PTI) application must be submitted to Ohio EPA before installation/construction of any improvements to the treatment ponds.

E Permit limitations may be revised in order to meet water quality standards after a stream use determination and waste load allocation are completed and approved. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable water quality effluent limitations.

F. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the monitored discharge.

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G. Outfall Signage Requirement (only applies if public has access to the point where effluent discharges into the receiving waterway)

Not later than 4 months from the effective date of this permit, the permittee shall properly maintain and post a permanent sign on the stream bank at each discharge outfall that is regulated under this NPDES permit where a sign does not currently exist.

1. The sign shall consist at a minimum of the name of the permittee and facility to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height.

2. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible.

3. If the outfall is normally submerged the sign shall indicate that.

4. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.

5. The Director may alter the dimension requirements of the signs, to provide more information and better legibility. In addition, the Director may alter the compliance time to install the sign due to weather conditions, or other considerations, that would cause a delay in getting signs posted.

H. The discharges from outfalls 0IL00159023 and 0IL00159024 are eligible for the alternative effluent limits listed in section (1) below provided that the applicability and submission requirements listed in section (2) below are met.

1. Alternative Effluent Limits for outfalls 023 and 024

a. If the discharge or increase in the volume of the discharge is caused by precipitation within any 24 hr. period greater than the 1 year, 24 hour precipitation event (or snowmelt of equivalent volume) but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits (with monitoring/reporting requirements) are as follows:

. EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
.			Concentration			
Reporting Code/Units		Parameter	Other Units (Specify) 30 Day	Daily	Measurement Frequency	Sample Type
00045	IN	Total Precipitation	-	-	Daily	24 Hr. Total
00400	S.U.	pH	6.5 to 9.0	at all times	1/Month	Grab
00530	mg/l	Total Suspended Solids	-	-	1/Month	Grab
00545	ml/l	Residue, Settleable	-	0.5	1/Month	Grab
01045	ug/l	Iron, Total (Fe)	-	-	1/Month	Grab
01055	ug/l	Manganese, Total (Mn)	-	-	1/Month	Grab
50050	MGD	Flow Rate	-	-	Daily	24 Hr. Total`
00945	mg/l	Sulfate	-	-	1/Month	Grab
70300	mg/l	Residue, Tot Filterable	-	-	1/Month	Grab

b. If the discharge or increase in the volume of the discharge is caused by precipitation greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits (with monitoring/reporting requirements) are as follows:

.			Concentration			
Reporting Code/Units		Parameter	Other Units (Specify) 30 Day	Daily	Measurement Frequency	Sample Type
00045	IN	Total Precipitation	-	-	Daily	24 Hr. Total
00400	S.U.	pH	6.5 to 9.0	at all times	1/Month	Grab
00530	mg/l	Total Suspended Solids	-	-	1/Month	Grab
00545	ml/l	Residue, Settleable	-	-	1/Month	Grab
01045	ug/l	Iron, Total (Fe)	-	-	1/Month	Grab
01055	ug/l	Manganese, Total (Mn)	-	-	1/Month	Grab
50050	MGD	Flow Rate	-	-	Daily	24 Hr. Total
00945	mg/l	Sulfate	-	-	1/Month	Grab
70300	mg/l	Residue, Tot Filterable	-	-	1/Month	Grab

2. Applicability and Submission Requirements

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

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

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

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

c. The permittee should report "AC" in the appropriate location on the Discharge Monitoring Report (DMR) Form 4500 where the data would have gone if alternative limits were not applicable. The information required above in Part II, Item (D)(1)(b) should be included in the "Additional Remarks" section of the DMR form.

I. The permittee shall use either EPA Method 1631 or EPA Method 245.7 promulgated under 40 CFR 136 to comply with the effluent mercury monitoring requirements of this permit.

J. BEST MANAGEMENT PRACTICES FOR MINIMIZING DISCHARGES OF TOTAL DISSOLVED SOLIDS

1. Before beginning coarse refuse disposal operations, the permittee shall develop a plan for the control of surface water drainage. The permittee shall:
a. Disturb the smallest practicable area at any time during coarse refuse fill operations ;
b. Place coarse refuse to avoid runoff of coal refuse-impacted water into locations other than treatment ponds;
c. Stabilize and compact fill material to promote a reduction in the rate and volume of runoff, and to minimize the penetration of precipitation into the fill:
d. To the extent practicable, divert runoff and uncontaminated ground water away from disturbed areas; and
e. Reclaim filled areas as soon as practicable following filling.

2. Rills and gullies shall be filled or regraded minimze erosion.

3. Discharge volumes shall be minimized during low-flow conditions in the receiving waters.

K. STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY AND NON-STORM WATER DISCHARGES

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge storm water associated with industrial activity and authorized non-storm water discharges.

Authorized non-storm water discharges are from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used; air conditioning condensate; boiler condensate; springs; groundwater; and foundation or footing drains from various outfalls.

The permittee must still meet the requirements of Part III, Item 2 for the above non-storm water discharges.

This permit does not authorize the discharge of storm water from construction activity disturbing over one (1) acre.

NOTE: The permit requirements below apply unless the permittee has qualified for a no-exposure certification. For information on obtaining a no-exposure certification go to www.epa.state.oh.us/dsw/storm/stormform.aspx#no_exposure_certification

Permit requirements:

1. The permittee shall prepare, or update as appropriate, a storm water pollution prevention plan (SWPPP) in accordance with USEPA Guidance " Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators, February 2009". A copy is at http://www.epa.gov/npdes/pubs/industrial_swppp_guide.pdf . For additional information on storm water management for industrial activities and developing storm water pollution prevention plans and best management practices go to the USEPA's storm water publications website; http://cfpub.epa.gov/npdes/docs.cfm?program_id=6&view=allprog&sort=name . Documents are in alphabetical order.

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a. The SWPPP:

i. Shall be prepared within six months of the effective date of this permit (and updated as appropriate)
ii. Shall provide for implementation and compliance with the terms of the plan within twelve months of the effective date of this permit.

b. Signature and Plan Review:

i. The plan shall be signed and certified by the same person authorized to sign the NPDES permit applications in accordance with the requirements of 40 CFR 122.22. The plan shall be retained on-site at the facility which generates the storm water discharge.
ii. The permittee shall make plans available upon request to the Ohio EPA Director, or authorized representative or Regional Administrator of U.S. EPA, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.
iii. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

2. The plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee shall implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

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3. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharges associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the SWPPP and whether additional control measures are needed. This information shall be compiled in an annual report. The annual report shall be completed 30 days after the annual inspection is completed. The Report must also identify any incidents of non-compliance and contain a certification regarding the facility's status of compliance the SWPPP and this Permit.

4. The permittee shall maintain the annual report and certification for a period of three years.

5. If as a result of the inspections additional control measures are determined to be needed, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing the discharge of pollutants or otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity at the facility, the permittee shall amend the plan. The permittee shall also amend the plan whenever there is a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants to the waters of the State.

6. The inspection reports and certifications shall be signed in accordance with 40 CFR Section 122.22.

L. BIOLOGICAL ASSESSMENT

1. The permittee shall conduct biological assessments of aquatic communities on Piney Creek upstream and downstream of the confluence of the unnamed tributaries to Piney Creek with Piney Creek.

The field study shall be conducted between June 15th to September 30th once during coarse refuse disposal operations and once not later than 3 years following reclamation.

2. Study Plan .

Within 6 months from the effective date of this permit, the permittee shall submit for approval a proposed study plan for the biological sampling required in Paragraph 1. above. The study plan shall, at a minimum, identify the locations where sampling will be conducted, the frequency and timing of sampling. The permittee shall use sampling methodologies specified in Ohio EPA's Biological Criteria for Protection of Aquatic Life, Volumes I-III.

3. Reporting of Study Results

The study results shall be reported no later than 90 days after the end of each year's sampling.

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M. TRIGGER FOR ADAPTIVE MANAGMENT CONDITIONS

If any of the following conditions occur, the permittee shall submit an adaptive management plan to the Ohio EPA, Southeast District Office within 60 days of the triggering condition. The adaptive management plan will identify the actions the permittee will take to bring the biological or chemical indicator within the trigger value.

The adaptive managment plan is triggered if:

1) the biological assessment in Item L. above indicates an Invertebrate Community Index (ICI) value less than 32; or an Index of Biotic Integrity (IBI) value less than 40; or

2) If two or more measurements for total filterable residue (total dissolved solids) at station 0IL00159925 exceed 1500 mg/l in any six month period; or

3) If any measurement for total filterable residue (total dissolved solids) at station 0IL00159925 exceeds 2150 mg/l.

N. EXPANSION OF OUTFALL 023 POND CAPACITY

The permittee shall increase the capacity of the Outfall 0IL00159023 treatment pond to contain the volume associated with the 25-year, 24-hour precipitation event prior to any storm water or ground water from the refuse area discharging from Outfall 0IL00159023.

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PART III - GENERAL CONDITIONS

1. DEFINITIONS

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

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

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

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

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

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

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

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

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

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

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

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

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

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

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

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

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

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

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

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

2. GENERAL EFFLUENT LIMITATIONS

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

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

B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;

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

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

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

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

3. FACILITY OPERATION AND QUALITY CONTROL

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

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

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

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

4. REPORTING

A. Monitoring data required by this permit shall be submitted monthly on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

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

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

B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For partnerships - a general partner;

3. For a sole proprietorship - the proprietor; or,

4. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

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

http://epa.ohio.gov/dsw/edmr/eDMR.aspx

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

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

D. Regardless of the submission method, a paper copy of the submitted Ohio EPA 4500 DMR shall be maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted. For submittals on paper, make a copy of the completed paper form after it is signed by a Responsible Official or a Delegated Responsible Official.

E. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

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

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

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

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

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

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

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

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

B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

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

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

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

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

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

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

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

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

11. UNAUTHORIZED DISCHARGES

A. 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 provisions of paragraphs 11.B and 11.C.

B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

C. Prohibition of Bypass

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

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

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section:

http://epa.ohio.gov/dsw/permits/individuals.aspx

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

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

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

a. The name of the permittee, and a contact name and telephone number;

b. The limit(s) that has been exceeded;

c. The extent of the exceedance(s);

d. The cause of the exceedance(s);

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

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

g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

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

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

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

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

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

a. The name of the permittee, and a contact name and telephone number;

b. The time(s) at which the discharge occurred, and was discovered;

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

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

e. The circumstances which created the discharge;

f. The name and telephone number of the person(s) who have knowledge of these circumstances;

g. What remedial steps are being taken; and,

h. The name and telephone number of the person(s) responsible for such remedial steps.

2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.

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

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

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

2. The cause of the violation;

3. The remedial action being taken;

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

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

E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.

F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

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

15. AUTHORIZED DISCHARGES

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

16. DISCHARGE CHANGES

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

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

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

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

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

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

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

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

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

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

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

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

19. TRANSFER OF OWNERSHIP OR CONTROL

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

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

21. SOLIDS DISPOSAL

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

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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

23. CIVIL AND CRIMINAL LIABILITY

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

24. STATE LAWS AND REGULATIONS

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

25. PROPERTY RIGHTS

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

26. UPSET

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

27. SEVERABILITY

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

28. SIGNATORY REQUIREMENTS

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

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

29. OTHER INFORMATION

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

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

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

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

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30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

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

32. AVAILABILITY OF PUBLIC SEWERS

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