National Pollutant Discharge Elimination System (NPDES) Permit Program

PUBLIC NOTICE

NPDES Permit to Discharge to State Waters

Ohio Environmental Protection Agency
Permits Section
50 West Town St., Suite 700
P. O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2001

Public Notice No.  OEPA 19-10-037 DFT
Date of Issue of Public Notice:  Oct-30-2019
Name and Address of Applicant:  CCU Coal and Construction LLC, PO Box 400, Corning, OH, 43730

Name and Address of Facility
Where Discharge Occurs:  CCU Coal and Construction LLC D-1163, State Rte 13, North of Glouster, Ohio, Glouster, OH, 45732 , Athens County

Outfall Flow and Location List:
001  195,213 gpd  39N 30' 55"  -82W 04' 22"
002  67,366 gpd  39N 30' 46"  -82W 04' 30"
003  39,757 gpd  39N 30' 03"  -82W 04' 24"

Receiving Stream:  unnamed tributary to Sunday Creek
Nature of Business:  Surface and deep mining activities for the removal of coal.

This facility provides a gravity discharge of stormwater runoff from coal stockpiles.

Key parameters to be limited in the permit are as follows:  pH, Total Suspended Solids, Sulfate (SO4), Iron, Total (Fe), Manganese, Total (Mn)

On the basis of preliminary staff review and application of standards and regulations, the director of the Ohio Environmental Protection Agency will issue a permit for the discharge subject to certain effluent conditions and special conditions.  The draft permit will be issued as a final action unless the director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the administrator of the U.S. Environmental Protection Agency.  Any person may submit written comments on the draft permit and administrative record and may request a public hearing.  A request for public hearing shall be in writing and shall state the nature of the issues to be raised.  In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits.  Following final action by the director, any aggrieved party has the right to appeal to the Environmental Review Appeals Commission.
Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted in person or by mail no later than 30 days after the date of this public notice. Comments should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Lazarus Government Center, Division of Surface Water, Permits Processing Unit, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049 and 2) Ohio Environmental Protection Agency, Southeast District Office 2195 Front St., Logan OH 43138.

The Ohio EPA permit number and public notice numbers should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the date of this public notice will be considered.

Proposed Water Quality Based Effluent Limitations This draft permit contains water quality based effluent limitation(s) (WQBELs). In accordance with Ohio Revised Code Section 6111.03(J)(3), the Director establishes WQBELs after considering, to the extent consistent with the Federal Water Pollution Control Act, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter. This determination was made based on data and information available at the time the permit was drafted, which included the contents of the of the timely submitted National Pollutant Discharge Elimination System (NPDES) permit renewal application, along with any and all pertinent information available to the Director.

This public notice hereby allows the permittee to provide to the Director for consideration during this public comment period, additional site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness for achieving compliance with WQBEL(s). This information shall be submitted to the addresses listed above.

Should the applicant need additional time to review, obtain or develop site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness of achieving compliance with WQBEL(s), written notification for any additional time shall be sent no later than 30 days after the date of this public notice to the Director at the addresses listed above.

Should the applicant determine that compliance with a WQBEL is technically and/or economically unattainable, the permittee may submit an application for a variance to the applicable WQBEL in accordance with the terms and conditions set forth in Ohio Administrative Code (OAC) Rule 3745-1-38 no later than 30 days after the date of this public notice to the addresses listed above.

Alternately, the applicant may propose the development of site-specific water quality standard(s) pursuant to OAC Rule 3745-1-39. The permittee shall submit written notification to the Director regarding their intent to develop site-specific water quality standards for the pollutant at issue to the addresses listed above no later than 30 days after the date of this public notice.

The application, fact sheets, permit including effluent limitations, special conditions, comments received, and other documents are available for inspection and may be copied at a cost of 5 cents per page at the Ohio Environmental Protection Agency at the address shown on page one of this public notice any time between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Copies of the public notice are available at no charge at the same address. Individual NPDES draft permits that are in public notice are now available on DSW's web site: http://www.epa.ohio.gov/dsw/permits/individuals/draftperm.aspx

Mailing lists are maintained for persons or groups who desire to receive public notice for all applications in the state or for certain geographical areas. Persons or groups may also request copies of fact sheets, applications, or other documents pertaining to specific applications. Persons or groups may have their names put on such a list by making a written request to the agency at the address shown above.
Application No. OH0124869

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),

CCU Coal and Construction LLC Mine No. 2
D-1163

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the CCU Coal and Construction LLC Mine No. 2 complex located at 21525 State Route 13 North, Glouster, Ohio, Athens County and discharging to an unnamed tributary to Sunday Creek in accordance with the conditions specified in Parts I, II, and III of this permit.

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

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

__________________
Laurie A. Stevenson
Director

Total Pages: 26
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 0IL00139001. See Part II, OTHER REQUIREMENTS, for location of effluent sampling.

Table - Final Outfall - 001 - Final

<table>
<thead>
<tr>
<th>Effluent Characteristic</th>
<th>Discharge Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Concentration Specified Units</td>
<td>Loading* kg/day</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
<td>Minimum</td>
</tr>
<tr>
<td>00045 - Total Precipitation - Inches</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>00056 - Flow Rate - GPD</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>00400 - pH - S.U.</td>
<td>9.0</td>
<td>6.5</td>
</tr>
<tr>
<td>00530 - Total Suspended Solids - mg/l</td>
<td>70</td>
<td>-</td>
</tr>
<tr>
<td>00945 - Sulfate, (SO4) - mg/l</td>
<td>2335</td>
<td>-</td>
</tr>
<tr>
<td>00981 - Selenium, Total Recoverable - ug/l</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>01045 - Iron, Total (Fe) - ug/l</td>
<td>6000</td>
<td>-</td>
</tr>
<tr>
<td>01055 - Manganese, Total (Mn) - ug/l</td>
<td>4000</td>
<td>-</td>
</tr>
<tr>
<td>70300 - Residue, Total Filterable - mg/l</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Notes for station 0IL00139001:

* Effluent loadings based on average design flow of 0.0327 MGD.
a. Monitoring and sampling shall be performed as required in the above table. If no sample is collected or data is not reported, see Part II, Item C for the appropriate instructions and codes to use on the monthly eDMR.

b. Samples taken in compliance with effluent monitoring requirements shall be collected following treatment if provided and prior to entering receiving streams.

c. These requirements apply to discharges from the following:
   i. controlled surface drainage unless caused by a precipitation event greater than a 10-year, 24-hour event (3.71 inches); and
   ii. non-controlled surface drainage (including steep slope and mountaintop removal areas) unless caused by a precipitation event greater than a 1-year, 24-hour event (2.15 inches).
d. See Part II, Item E (grab samples) and F (alternative effluent limits).

e. Once there is a bond release, either Phase I or Phase II, the mine operator shall contact Ohio EPA so a determination can be made for the release of sampling and monitoring requirements of the affected outfalls.

f. Settleable residue is required in months when the alternative limits of Part II, Item F are invoked. The permittee shall add results to the eDMR.
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 0IL00139002. See Part II, OTHER REQUIREMENTS, for location of effluent sampling.

Table - Final Outfall - 002 - Final

<table>
<thead>
<tr>
<th>Effluent Characteristic</th>
<th>Parameter</th>
<th>Concentration Specified Units</th>
<th>Discharge Limitations</th>
<th>Loading* kg/day</th>
<th>Measuring Frequency</th>
<th>Sampling Type</th>
<th>Monitoring Months</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Maximum Minimum Weekly Monthly Daily Weekly Monthly</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00045 - Total Precipitation - Inches</td>
<td>- - - - - -</td>
<td>1/Day 24hr Total</td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00056 - Flow Rate - GPD</td>
<td>- - - - - -</td>
<td>1/Day 24hr Total Estimate</td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00400 - pH - S.U.</td>
<td>9.0 6.5</td>
<td>1/Month Grab</td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00530 - Total Suspended Solids - mg/l</td>
<td>70 -</td>
<td>1/Month Grab</td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01045 - Iron, Total (Fe) - ug/l</td>
<td>6000 -</td>
<td>1/Month Grab</td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01055 - Manganese, Total (Mn) - ug/l</td>
<td>4000 -</td>
<td>1/Month Grab</td>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes for station 0IL00139002:

* Effluent loadings based on average design flow of 0.0063 MGD.

a. Monitoring and sampling shall be performed as required in the above table. If no sample is collected or data is not reported, see Part II, Item C for the appropriate instructions and codes to use on the monthly eDMR.

b. Samples taken in compliance with effluent monitoring requirements shall be collected following treatment if provided and prior to entering receiving streams.

c. These requirements apply to discharges from the following:

i. controlled surface drainage unless caused by a precipitation event greater than a 10-year, 24-hour event (3.71 inches); and

ii. non-controlled surface drainage (including steep slope and mountaintop removal areas) unless caused by a precipitation event greater than a 1-year, 24-hour event (2.15 inches).

d. See Part II, Item E (grab samples) and F (alternative effluent limits).

e. Once there is a bond release, either Phase I or Phase II, the mine operator shall contact Ohio EPA so a determination can be made for the release of sampling and monitoring requirements of the affected outfalls.
f. Settleable residue is required in months when the alternative limits of Part II, Item F are invoked. The permittee shall add results to the eDMR.
Part I, A. - FINAL EFFlUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00139003. See Part II, OTHER REQUIREMENTS, for location of effluent sampling.

Table - Final Outfall - 003 - Final

<table>
<thead>
<tr>
<th>Effluent Characteristic</th>
<th>Concentration Specified Units</th>
<th>Discharge Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Maximum Minimum</td>
<td>Loading* kg/day</td>
<td>Measuring Frequency</td>
</tr>
<tr>
<td>00045 - Total Precipitation - Inches</td>
<td>- -</td>
<td>- -</td>
<td>1/Day</td>
</tr>
<tr>
<td>00056 - Flow Rate - GPD</td>
<td>- -</td>
<td>- -</td>
<td>1/Day</td>
</tr>
<tr>
<td>00400 - pH - S.U.</td>
<td>9.0 6.5</td>
<td>- -</td>
<td>1/Month</td>
</tr>
<tr>
<td>00530 - Total Suspended Solids - mg/l</td>
<td>70</td>
<td>35</td>
<td>1/Month</td>
</tr>
<tr>
<td>01045 - Iron, Total (Fe) - ug/l</td>
<td>6000</td>
<td>3000</td>
<td>1/Month</td>
</tr>
<tr>
<td>01055 - Manganese, Total (Mn) - ug/l</td>
<td>4000</td>
<td>2000</td>
<td>1/Month</td>
</tr>
</tbody>
</table>

Notes for Station 0IL00139003:

* Effluent loadings based on average design flow of 0.0021 MGD.

a. Monitoring and sampling shall be performed as required in the above table. If no sample is collected or data is not reported, see Part II, Item C for the appropriate instructions and codes to use on the monthly eDMR.

b. Samples taken in compliance with effluent monitoring requirements shall be collected following treatment if provided and prior to entering receiving streams.

c. These requirements apply to discharges from the following:
   i. controlled surface drainage unless caused by a precipitation event greater than a 10-year, 24-hour event (3.71 inches); and
   ii. non-controlled surface drainage (including steep slope and mountaintop removal areas) unless caused by a precipitation event greater than a 1-year, 24-hour event (2.15 inches).

d. See Part II, Item E (grab samples) and F (alternative effluent limits).

e. Once there is a bond release, either Phase I or Phase II, the mine operator shall contact Ohio EPA so a determination can be made for the release of sampling and monitoring requirements of the affected outfalls.
f. Settleable residue is required in months when the alternative limits of Part II, Item F are invoked. The permittee shall add results to the eDMR.
Part II, OTHER REQUIREMENTS

A. SAMPLING/MONITORING LOCATIONS AND DESCRIPTIONS

Description of the location of the permitted discharge outfalls and required sampling/monitoring stations are as follows:

<table>
<thead>
<tr>
<th>Permitted Outfall or Effluent Sampling/ Monitoring Station</th>
<th>Description of Permitted Outfall or Effluent Sampling/ Monitoring Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>0IL00139001 Discharge from treatment pond 001. Also receives effluent from pond 004. Sample at spillway before entering the stream channel to a UT of Sunday Creek.</td>
<td>(Lat: N 39.515278; Long: W 82.072778)</td>
</tr>
<tr>
<td>0IL00139002 Discharge from sediment pond 002. Area around 002 is reclaimed. Sample at spillway before entering the stream channel to a UT of Sunday Creek.</td>
<td>(Lat: N 39.512778; Long: W 82.075)</td>
</tr>
<tr>
<td>0IL00139003 Discharge from sediment pond 003. Area around 003 is reclaimed. Sample at spillway before entering the stream channel to a UT of Sunday Creek.</td>
<td>(Lat: N 39.512778; Long: W 82.073611)</td>
</tr>
</tbody>
</table>

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

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

2) If there is no discharge during the entire month, report as follows:
   a) 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.

3) If there are no discharges on one or more required monitoring days during the month, report as follows:
   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 including the parameter for flow for each monitoring day the facility was not discharging.
   c) Information about other data Substitution Codes (a.k.a. "A Codes") that can be used on the Monthly Discharge Monitoring Report form is on page 13 at:
      http://www.epa.ohio.gov/portals/35/edmr/doc/e-DMRAll-In-One.pdf

4) More information about eDMR is at:
   http://epa.ohio.gov/dsw/ebs.aspx#170645011-edmr

5) Note that even if a code is used, not reporting as required by the NPDES permit, may in some cases still be considered a violation of the permit's conditions which may result in a notice of violation letter from Ohio EPA.

D. 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.

E. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's monitored discharge.
F. ALTERNATE EFFLUENT LIMITS

1. Alternative Effluent Limits for precipitation events
a. These requirements apply to discharges from controlled surface drainage (except steep slope and mountaintop removal areas) that are caused by a precipitation event greater than 1-year, 24-hour event (2.15 inches) and less than or equal to a 2-year, 24-hour event (2.58 inches).

<table>
<thead>
<tr>
<th>Reporting Code</th>
<th>Units</th>
<th>Parameter</th>
<th>30 Day Limit</th>
<th>Daily Limit</th>
<th>Measurement Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>00530</td>
<td>mg/L</td>
<td>Total Suspended Solids</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>00545</td>
<td>mL/L</td>
<td>Settleable Residue</td>
<td>-</td>
<td>0.5</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>74010</td>
<td>mg/L</td>
<td>Total Iron</td>
<td>-</td>
<td>7.0</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>74013</td>
<td>mg/L</td>
<td>Total Manganese</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
</tbody>
</table>

b. These requirements apply to discharges from the following:
i. Non-controlled surface drainage (except steep slope and mountaintop removal areas) that are caused by a precipitation event greater than 2-year, 24-hour event (2.58 inches) and less than or equal to a 10-year, 24-hour event (3.71 inches).

<table>
<thead>
<tr>
<th>Reporting Code</th>
<th>Units</th>
<th>Parameter</th>
<th>30 Day Limit</th>
<th>Daily Limit</th>
<th>Measurement Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>00530</td>
<td>mg/L</td>
<td>Total Suspended Solids</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>00545</td>
<td>mL/L</td>
<td>Settleable Residue</td>
<td>-</td>
<td>0.5</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>74010</td>
<td>mg/L</td>
<td>Total Iron</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>74013</td>
<td>mg/L</td>
<td>Total Manganese</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
</tbody>
</table>

c. These requirements apply to discharges caused by precipitation events greater than a 10-year, 24-hour event (3.71 inches) from the following:
i. Controlled surface drainage.

<table>
<thead>
<tr>
<th>Reporting Code</th>
<th>Units</th>
<th>Parameter</th>
<th>30 Day Limit</th>
<th>Daily Limit</th>
<th>Measurement Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>00530</td>
<td>mg/L</td>
<td>Total Suspended Solids</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>00545</td>
<td>mL/L</td>
<td>Settleable Residue</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>74010</td>
<td>mg/L</td>
<td>Total Iron</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
<tr>
<td>74013</td>
<td>mg/L</td>
<td>Total Manganese</td>
<td>-</td>
<td>-</td>
<td>1/Month</td>
<td>Grab</td>
</tr>
</tbody>
</table>
2. Applicability and Submission Requirements
For any day alternative effluent limitations and monitoring requirements are being sought,
the operator shall note those days and the associated alternative tables in the remarks section of
the monthly report form.
When seeking alternative effluent limitations the operator shall prove that the discharge
and/or increase in the discharge was caused by the applicable precipitation event, and that the
samples of the discharge for all parameters were collected during, or within 24 hours
after, the applicable precipitation event.
The following information must be submitted by the permittee as proof to qualify for the
alternative effluent limitations:
a. Date, Duration (Time Begin/Time End), and total 24-hour accumulation (inches) of the
precipitation event that caused the discharge or increase in volume of the discharge.
b. Date and time that grab samples were collected.
Precipitation events are defined by the National Weather Service and can be accessed at:
https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=oh
This information shall be submitted in the remarks section or as an addendum with the
discharge monitoring reports where the alternative requirements are being requested.

G. RESERVED
H. Treatment Pond Maintenance, Inspection and Monitoring:

1. Maintenance
Treatment ponds shall be operated and maintained to have sufficient volume for:

a. Normal precipitation (less evaporation) on the surface of the structures;
b. Normal runoff from the working and storage areas;
c. Residuals that remain after materials are removed from the storage areas and structure;
d. Direct precipitation on the surface of the structure and runoff to the structure from a 10-year, 24-hour event;
and
e. For treatment ponds other than those equipped with an engineered stable overflow point such that structural failure will not occur during an overflow, calculate and maintain the feet of freeboard, viewed as optimum operational level to reduce risk of damaging pond containment structures, above the capacity necessary to contain the direct precipitation and runoff from a 10-year, 24-hour rain event.

2. Inspection and Monitoring

a. Conduct weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the pond (containment) structures;
b. Conduct weekly inspections of the pond storage structures;
c. Keep records of structure (pond) inspections and any maintenance actions; cleaning of structures or repair of structures and storm water devices. Maintain records of volume of materials removed from the structure (pond) and method of disposal.
d. Conduct weekly determinations of the depth of the water and process wastewater (and amount of freeboard necessary to meet 10-year, 24-hour storage capacity requirements) in all pond storage structures as indicated by the capacity depth markers required by this permit.

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

<table>
<thead>
<tr>
<th>Parameter</th>
<th>MDL (unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selenium</td>
<td>2.0 ug/L</td>
</tr>
</tbody>
</table>
J. Not later than 4 months from the effective date of this permit, the permittee shall post a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit and discharges to Sunday Creek. This includes final outfalls. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming in the stream or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfalls have no public access and are on mine property, no sign is required.

K. STORMWATER POLLUTION PREVENTION PLANS

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

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

E. 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: sedo24hourpdes@epa.state.oh.us  
Southwest District Office: swdo24hourpdes@epa.state.oh.us  
Northwest District Office: nwdo24hourpdes@epa.state.oh.us  
Northeast District Office: nedo24hourpdes@epa.state.oh.us  
Central District Office: cdo24hourpdes@epa.state.oh.us  
Central Office: co24hourpdes@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:

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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  
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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).
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.
Part III General Conditions (Con't)

15. AUTHORIZED DISCHARGES

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

16. DISCHARGE CHANGES

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

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

B. For publicly owned treatment works:

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

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

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

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

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

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

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

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

17. TOXIC POLLUTANTS

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

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

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

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

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

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

19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

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

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

21. SOLIDS DISPOSAL

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

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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

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

24. STATE LAWS AND REGULATIONS

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

25. PROPERTY RIGHTS

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

26. UPSET

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

27. SEVERABILITY

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

28. SIGNATORY REQUIREMENTS

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

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

29. OTHER INFORMATION

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

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

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

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

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

31. APPLICABLE FEDERAL RULES

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

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding 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.