

Application No. OH0002623

Modification Issue Date: November 7, 2014

Modification Effective Date: January 1, 2015

Expiration Date: January 31, 2015

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),

Lima Refining Company

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Lima Refining Company wastewater treatment works located at 1150 S Metcalf St, Lima, Ohio, Allen County and discharging to the Ottawa River 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 the Ottawa River 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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Craig W. Butler  
Director

Total Pages: 43

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

1. During the period beginning on the effective date of this modification and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 2IG00001001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00013 - High Water Temperature - F	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total Estimate	All
00300 - Dissolved Oxygen - mg/l	-	4.0	-	-	-	-	-	2/Week	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	-	-	-	-	1047	-	582	2/Week	24hr Composite	All
00335 - Chemical Oxygen Demand (Low Level) - mg/l	-	-	-	-	7825	-	4061	2/Week	24hr Composite	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	2/Week	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	730	-	465	2/Week	24hr Composite	All
00550 - Oil and Grease, Total - mg/l	10.0	-	-	-	317	-	169	2/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	4.9	-	-	2.45	100	-	50	2/Week	24hr Composite	Summer
00610 - Nitrogen, Ammonia (NH3) - mg/l	13.2	-	-	6.6	270	-	135	2/Week	24hr Composite	Winter
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00719 - Cyanide, Free - mg/l	23	-	-	5.3	0.47	-	0.11	2/Week	Grab	All
00745 - Sulfide, Total - mg/l	-	-	-	-	6.87	-	3.07	2/Week	Grab	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	12.0	-	-	0.245	2/Week	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1

Effluent Characteristic  Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
01118 - Chromium, Total Recoverable - ug/l	410	-	-	107	8.53	-	2.2	1/Year	24hr Composite	July
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
01220 - Chromium, Dissolved Hexavalent - ug/l	16.0	-	-	11	0.32	-	0.22	1/Year	Grab	July
32730 - Phenolic 4AAP, Total - ug/l	-	-	-	-	8.0	-	2.55	2/Week	24hr Composite	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	1155	-	-	8.5	24.0	-	0.18	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.020	-	-	0.011	-	-	-	2/Week	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	22.0	0.035	-	0.00046	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	1.0	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUC	-	-	-	4.4	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
61427 - Acute Toxicity, Pimephales promelas - TUa	1.0	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
61428 - Chronic Toxicity, Pimephales promelas - TUC	-	-	-	4.4	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	2/Week	24hr Composite	All

Notes for Station Number 2IG00001001:

- The effluent limits in this table apply to the discharge when the flow from station 2IG00001001 is less than 8.0 MGD, and reporting must be done under this table. When discharge flows are 8.0 MGD or more, report data under station 2IG00001091 and report "AH" for this outfall on those days. See Part II, Item L.

- Effluent loadings for cyanide, hexavalent chromium, bis(2-ethylhexyl)phthalate, selenium and mercury are based on a discharge flow of 5.49 MGD.

- The effluent limits for selenium or dissolved solids may change during the life of this permit due to reallocation of these parameters for this segment of the Ottawa River. See Part II, Item D .

- Bis (2-ethylhexyl)phthalate - See Part II, Items F, H and K.
- Mercury - See Part II, Items O and P.
- Total Residual Chlorine - See Part II, Items B and H.
- Free Cyanide - See Part II, Items H, and K.
- Total Filterable Residue (Total Dissolved Solids) - See Part II, Item I.
- Toxicity - See Part II, Item R.
- Quarterly-tox1 means that monitoring shall be conducted during the months of January, April, July and October.

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

2. During the period beginning on effective date of this modification and lasting until the expiration date , the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 2IG00001002. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 002 - Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00052 - Bypass Total Hours Per Day - Hrs/Day	-	-	-	-	-	-	-	When Disch.	Total	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00335 - Chemical Oxygen Demand (Low Level) - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	When Disch.	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00745 - Sulfide, Total - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
32730 - Phenolic 4AAP, Total - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
34030 - Benzene - ug/l	880	-	-	-	-	-	-	When Disch.	Grab	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	Total Estimate	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	When Disch.	Grab	All
51173 - Cyanide, Free (Low-Level) - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All

Notes for Station Number 2IG00001002:

- In order for any discharge from outfall 2IG00001002 to be authorized, the conditions of Part III, Section 11 must be met, the AWWTP and storm water collection and storage system must have been operated in accordance with the assumptions concerning wastewater treatment rate and availability of capacity to treat and impound storm water set forth in the October 2004 update to the storm water impoundment report, and the Wet Weather Operations Plan approved by Ohio EPA on December 13, 2004.

- Sampling shall be conducted daily when discharging.

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

3. During the period beginning on the effective date of this modification and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 2IG00001003. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 003 - Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00011 - Water Temperature - F	85	-	-	77	-	-	-	Continuous	Maximum Indicating Thermometer	June
00011 - Water Temperature - F	56	-	-	49.5	-	-	-	Continuous	Maximum Indicating Thermometer	March
00011 - Water Temperature - F	72	-	-	65	-	-	-	Continuous	Maximum Indicating Thermometer	May
00011 - Water Temperature - F	65	-	-	57	-	-	-	Continuous	Maximum Indicating Thermometer	April
00011 - Water Temperature - F	85	-	-	78.5	-	-	-	Continuous	Maximum Indicating Thermometer	September
00011 - Water Temperature - F	72	-	-	64	-	-	-	Continuous	Maximum Indicating Thermometer	October
00011 - Water Temperature - F	59	-	-	54	-	-	-	Continuous	Maximum Indicating Thermometer	November
00011 - Water Temperature - F	49	-	-	44	-	-	-	Continuous	Maximum Indicating Thermometer	Dec. - Feb.
00011 - Water Temperature - F	85	-	-	82	-	-	-	Continuous	Maximum Indicating Thermometer	August
00011 - Water Temperature - F	85	-	-	82	-	-	-	Continuous	Maximum Indicating Thermometer	July
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00556 - Oil and Grease, Freon Extr-Grav Meth - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

Notes for Station Number 2IG00001003:

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

Use of Water Cooling Additives - See Part II, Item C.

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

4. During the period beginning on the effective date of this modification and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 2IG00001011. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 011 - Final

Effluent Characteristic  Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00013 - High Water Temperature - F	-	-	-	-	-	-	-	When Disch.	Maximum Indicating Thermometer	All
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	When Disch.	Total Estimate	All
00300 - Dissolved Oxygen - mg/l	-	4.0	-	-	-	-	-	When Disch.	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	-	-	-	-	1047	-	582	1/Day	Composite	All
00335 - Chemical Oxygen Demand (Low Level) - mg/l	-	-	-	-	7825	-	4061	1/Day	Composite	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	When Disch.	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	730	-	465	1/Day	Composite	All
00550 - Oil and Grease, Total - mg/l	10.0	-	-	-	317	-	169	1/Day	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	13.2	-	-	-	270	-	270	1/Day	Composite	Winter
00610 - Nitrogen, Ammonia (NH3) - mg/l	4.9	-	-	-	100	-	100	1/Day	Composite	Summer
00665 - Phosphorus, Total (P) - mg/l	0.7	-	-	-	7.95	-	-	When Disch.	Composite	All
00719 - Cyanide, Free - mg/l	44	-	-	-	-	-	-	When Disch.	Grab	All
00745 - Sulfide, Total - mg/l	-	-	-	-	6.87	-	3.07	1/Day	Grab	All
00981 - Selenium, Total Recoverable - ug/l	61.3	-	-	-	0.697	-	0.245	1/Day	Composite	All
01092 - Zinc, Total (Zn) - ug/l	-	-	-	-	-	-	-	When Disch.	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Composite	All
01118 - Chromium, Total Recoverable - ug/l	752	-	-	-	8.53	-	2.2	1/Day	Composite	All

Effluent Characteristic  Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units				Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	When Disch.	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	29	-	-	-	0.32	-	0.22	1/Day	Grab	All
32730 - Phenolic 4AAP, Total - ug/l	-	-	-	-	8.0	-	2.55	1/Day	Composite	All
38677 - Bromomethane - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	When Disch.	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	When Disch.	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	22.0	0.035	-	0.00046	1/Day	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	1.0	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
61427 - Acute Toxicity, Pimephales promelas - TUa	1.0	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
70300 - Residue, Total Filterable - mg/l	3000	-	-	-	-	-	-	When Disch.	Composite	All

Notes for Station Number 2IG00001011:

- This station is actually the final discharge from the treatment plant (same location as 2IG00001001). The effluent limits in this table apply to the discharge after construction on the new water reclamation process at the facility has began. See Part I, C - Reporting Procedures During Construction of Water Reclamation Project.

- For discharges during high flow events where the permittee wishes to discharge for a duration longer than 48 hours in a 7 day period - See Part II, Item V.

- For those parameters that require "composite" sampling, see Part II, Item E, paragraphs 2 and 3.

- For those parameters that require a sampling frequency of "1/day," sampling shall be performed when discharging. In the event that the facility does not discharge during a day, report zero (0).

- For parameters that require a sampling frequency of "when discharging," sampling shall be performed only when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

- The permittee shall not discharge more than 48 hours during any 7 day period. See Part II, Item U.

- Discharges at this station may only be made when the Ottawa River, via USGS gage station 4187100, has a flow equal to or greater than 6.0 MGD (or 9.282 cfs). (See Part II, Item U)

- Daily loadings for total dissolved solids, free cyanide, chromium, dissolved hexavalent chromium, and bis (2-ethylhexyl) phthalate are based upon new concentration limits and a discharge flow of 3.0 MGD. All other daily effluent loadings are unchanged from the previous permit.

- Bis (2-ethylhexyl)phthalate - See Part II, Items F and H.

- Mercury Testing Methods- See Part II, Item O (1)(c)

- Total Residual Chlorine - See Part II, Items B and H.

- Toxicity - See Part II, Item R (2)

- Quarterly - Alt means that monitoring shall be conducted during the months of March, June, September, and December.

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

5. During the period beginning on the effective date of this modification and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 2IG00001091. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Fictitious Outfall/Station - 091 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00013 - High Water Temperature - F	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total Estimate	All
00300 - Dissolved Oxygen - mg/l	-	4.0	-	-	-	-	-	2/Week	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	-	-	-	-	1271	-	705	2/Week	24hr Composite	All
00335 - Chemical Oxygen Demand (Low Level) - mg/l	-	-	-	-	9505	-	4901	2/Week	24hr Composite	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	2/Week	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	886	-	566	2/Week	24hr Composite	All
00550 - Oil and Grease, Total - mg/l	10.0	-	-	-	390	-	207	2/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	4.9	-	-	2.45	100	-	50	2/Week	24hr Composite	Summer
00610 - Nitrogen, Ammonia (NH3) - mg/l	13.2	-	-	6.6	270	-	135	2/Week	24hr Composite	Winter
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00719 - Cyanide, Free - mg/l	23	-	-	5.3	0.47	-	0.11	2/Week	Grab	All
00745 - Sulfide, Total - mg/l	-	-	-	-	6.87	-	3.07	2/Week	Grab	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	27.0	-	-	0.54	2/Week	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months			
Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly	
01118 - Chromium, Total Recoverable - ug/l	420	-	-	107	11.3	-	2.2	1/Year	24hr Composite	July
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
01220 - Chromium, Dissolved Hexavalent - ug/l	16.0	-	-	11.0	0.35	-	0.22	1/Year	Grab	July
32730 - Phenolic 4AAP, Total - ug/l	-	-	-	-	9.62	-	3.33	2/Week	24hr Composite	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	1155	-	-	8.5	24.0	-	0.18	1/Month	Composite	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.020	-	-	0.011	-	-	-	2/Week	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	22.0	0.035	-	0.00046	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	1.0	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc	-	-	-	4.4	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
61427 - Acute Toxicity, Pimephales promelas - TUa	1.0	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
61428 - Chronic Toxicity, Pimephales promelas - TUc	-	-	-	4.4	-	-	-	1/Quarter	24hr Composite	Quarterly-tox1
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	2/Week	24hr Composite	All

Notes for Station Number 2IG00001091:

- This station is actually the final discharge from the treatment plant (same location as 2IG00001001). The effluent limits in this table apply to the discharge when the flow from station 2IG00001091 is greater than or equal to 8.0 MGD and reporting must be done under this table. When discharge flows are less than 8.0 MGD report data under station 2IG00001001 and report "AH" for this outfall on those days. See Part II, Item L.

- Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

- Effluent loadings for cyanide, hexavalent chromium, bis(2-ethylhexyl)phthalate, selenium and mercury are based on a discharge flow of 5.49 MGD.

- The effluent limits for selenium or dissolved solids may change during the life of this permit due to reallocation of these parameters for this segment of the Ottawa River. See Part II, Item D .
- Bis (2-ethylhexyl)phthalate - See Part II, Items F, H and K.
- Mercury - See Part II, Items O and P.
- Total Residual Chlorine - See Part II, Items B and H.
- Free Cyanide - See Part II, Items H and K.
- Total Filterable Residue (Total Dissolved Solids) - See Part II, Item I.
- Toxicity - See Part II, Item R.
- Quarterly-tox1 means that monitoring shall be conducted during the months of January, April, July and October.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this modification and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 2IG00001583, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 583 - Final

Effluent Characteristic  Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00611 - Ammonia (NH3) In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
00627 - Nitrogen Kjeldahl, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
00668 - Phosphorus, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
00938 - Potassium In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01003 - Arsenic, Total In Sludge - mg/kg	75	-	-	41	-	-	-	1/Month	Composite	All
01028 - Cadmium, Total In Sludge - mg/kg	85	-	-	39	-	-	-	1/Month	Composite	All
01043 - Copper, Total In Sludge - mg/kg	4300	-	-	1500	-	-	-	1/Month	Composite	All
01052 - Lead, Total In Sludge - mg/kg	840	-	-	300	-	-	-	1/Month	Composite	All
01068 - Nickel, Total In Sludge - mg/kg	420	-	-	420	-	-	-	1/Month	Composite	All
01093 - Zinc, Total In Sludge - mg/kg	7500	-	-	2800	-	-	-	1/Month	Composite	All
01148 - Selenium, Total In Sludge - mg/kg	100	-	-	100	-	-	-	1/Month	Composite	All
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	-	1/Month	Total	All
71921 - Mercury, Total In Sludge - mg/kg	57	-	-	17	-	-	-	1/Month	Composite	All
78465 - Molybdenum In Sludge - mg/kg	75	-	-	75	-	-	-	1/Month	Composite	All

Notes for Station Number 2IG00001583:

- Monitoring is required when wastewater treatment plant sludge is removed from the permittee's facility for application to the land. The monitoring data shall be reported monthly on the Discharge Monitoring Report (DMR). The monitoring data can be collected at any time during the reporting period.

- Metal pollutant analysis must be completed during each reporting period, whether sludge is removed from the facility or not.
- If no sludge is removed from the facility during the reporting period, enter the results for the metal analysis in eDMR or on the 4500 report and enter '0' for sludge weight.
- It is recommended that composite samples of the sludge be collected and analyzed close enough to the time of land application to be reflective of the sludge's current quality, but not so close that the results of the analysis are not available prior to land applying the sludge.
- Units of mg/kg are on a dry weight basis.
- Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge:  $\text{dry tons} = \text{gallons} \times 8.34 \text{ (lbs/gallon)} \times 0.0005 \text{ (tons/lb)} \times \text{decimal fraction total solids}$ .

Part I, B. - INFLUENT MONITORING REQUIREMENTS

2. Influent Monitoring. During the period beginning on the effective date of this modification and lasting until expiration date , the permittee shall monitor the treatment works' influent wastewater at Station Number 2IG00001600, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 600 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day					Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly-tox1

NOTES for Station Number 2IG00001600:

- Quarterly-tox1 means that monitoring shall be conducted during the months of January, April, July and October.

## Part I, C. - Construction Schedule Provisions

### Reporting Procedures During Construction of Water Reclamation Project

1) The permittee shall report under stations 2IG00001001 and 2IG00001091 until water reclamation operations commence.

As Part II, Item L indicates, the daily maximum effluent limitations for Outfall 2IG00001001 apply whenever the effluent flow is less than 8.0 MGD. The 30 day average effluent limitations for Outfall 2IG00001001 apply to the average of all days of the month when the effluent flow is less than 8.0 MGD.

If the effluent flow is equal to or greater than 8.0 MGD at any time during the month, the daily maximum effluent limitations for Outfall 2IG00001091 apply only during the day or days the effluent flow was greater than or equal to 8.0 MGD. The 30 day average effluent limitations for Outfall 2IG00001091 apply to the average of all days of the month when the flow was greater than or equal to 8.0 MGD.

2) The facility shall notify the Ohio EPA Northwest Office no later than 30 days prior to the estimated end of construction of the water reclamation project. Construction shall include any changes in process of treatment of wastewater at the facility or construction of new projects with possible effects upon water quality of plant effluent.

3) The permittee may revert to reporting under stations 2IG00001001 and 2IG00001091 in the event that after the commencement of water reclamation operations, the water reclamation equipment must be temporarily removed from service to make needed modifications or improvements, or specific operations must be changed in the event of an emergency.

4) The facility shall notify the Ohio EPA Northwest Office prior to the start of water reclamation operations. The facility shall also notify the Ohio EPA Northwest Office prior to a decision to suspend water reclamation operations if modifications must be made to the water reclamation equipment.

5) The permittee shall report under station 2IG00001011 during water reclamation operations.

## Part II, OTHER REQUIREMENTS

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

Sampling Station	Description of Location
2IG00001001 .	Final effluent to Ottawa River (flows less than 8.0 MGD only) (Lat: 40 N 43 ' 04 " Long: 84 W 06 ' 59 ")
2IG00001002	Emergency Spillway from D-Pond
2IG00001003	Cooling Water to Zurmehly Creek
2IG00001011 .	Final Effluent to Ottawa River after Water Reclamation Project is permanently in service. (same location as station 2IG00001001)
2IG00001091 .	Final effluent to Ottawa River (flows greater or equal to 8.0 MGD) (same location as station 2IG00001001)
2IG00001583	Wastewater treatment plant sludge for land application
2IG00001600	Process wastewater discharge prior to treatment

B. The effluent limit for chlorine at outfall 2IG00001001/2IG00001091 is less than the quantification level of 0.050 mg/l. However, a Pollutant Minimization Program is not required because the dosing rate of dechlorination chemicals reasonably ensure that the WQBEL is being met.

C. In the event that the permittee's operation requires the use of cooling or boiler water treatment additives that are discharged to surface waters of the state, written permission must be obtained from the director of the Ohio EPA prior to use. Discharges of these additives must meet Ohio Water Quality Standards and shall not be harmful or inimical to aquatic life. Reporting and testing requirements to apply for permission to use additives can be obtained from the Ohio EPA, Central Office, Division of Surface Water, Industrial Permits Unit. This information is also available on the DSW website:

[http://www.epa.ohio.gov/dsw/policy/policy\\_index.aspx](http://www.epa.ohio.gov/dsw/policy/policy_index.aspx).

D. At outfall 2IG00001001/2IG00001091, 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. If: (1) the City of Lima accepts a new industrial user that would increase the loading of selenium and/or total dissolved solids from the Lima Wastewater Treatment Plant, and (2) the Ohio EPA agrees that local limits and effluent limits for one or both of these pollutants are needed, the effluent limits in this permit may be modified, based on an evaluation of all of the dischargers in the stream segment. The revised effluent limits in this permit shall not be less than 1511 mg/l for total dissolved solids (30-day average) and/or 5 ug/l for selenium (30-day average). The modification shall include a compliance schedule, if needed to meet the revised limits.

E. 24-Hour Composite samples shall be comprised of a series of grab samples collected over a 24-hour period. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

Composite samples, as required at outfall 2IG00001011, shall be comprised of at least three grab samples proportionate in volume to the sewage flow rate at the time of sampling and collected at intervals of at least 30 minutes, but not more than 2 hours, during the period that the plant is staffed on each day for sampling. Such samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

In the event that the discharge takes place in such a timeframe that this procedure cannot be followed, the facility shall take a composite sample consisting of at least three grab samples less than 30 minutes apart. Sampling shall still be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

F. Composite samples for bis(2-ethylhexyl)phthalate shall be comprised of at least three grab samples proportionate in volume to the sewage flow rate at the time of sampling and collected at intervals of at least 30 minutes, but not more than 2 hours, during the period that the plant is staffed on each day for sampling. Such samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

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

H. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

**REPORTING:**

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

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

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

Parameter	PQL	ML
Chlorine, tot. res.	0.050 mg/l	--
Bis(2-ethylhexyl)phthalate	--	10 ug/l

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

## I. Tracking and Reporting Requirements for Total Dissolved Solids at Outfall 2IG00001001/2IG00001091

A wasteload allocation has been provided below for total dissolved solids. To ensure that concentrations of TDS remain at or below water quality standards in the Ottawa River, the permittee shall report any effluent concentration sample result greater than the PEL values listed below to Ohio EPA, Northwest District Office. Written notification must be submitted within 30 days of an effluent concentration sample result that exceeds the PEL and must detail the reasons why the PEL has been exceeded and the expectation of continued levels above the PEL.

Parameter	PEL
Total Dissolved Solids	2431 mg/l (30-day)

The permittee must reduce discharge levels to below the PEL if either of the following conditions are met:

1. The maximum detected concentration per month is greater than the maximum PEL for four or more months during a consecutive six month period; or
2. The thirty-day average for total dissolved solids is greater than the average PEL for two or more months during a consecutive six month period; and

If the permittee cannot reduce discharge levels below the PEL within six months after either of conditions 1 or 2 above are met, the permittee may request to modify the permit to contain a compliance schedule. This request shall contain justification for the additional time necessary to reduce discharge levels.

## J. RESERVED

## K. Pollutant Minimization Program

1) The goal of the PMP is to maintain effluent concentrations of free cyanide and bis(2-ethylhexyl)phthalate at or below the discharge limits in Part I. A. for outfall 2IG00001001.

2) Monitoring requirements:

Beginning on the effective date of this permit, the permittee shall monitor the wastewater treatment plant influent quarterly by grab sample for each pollutant that is required to have a PMP.

The permittee shall monitor potential sources of free cyanide quarterly by grab sample. Potential sources may include process lines, industrial, commercial and residential users, sewer lines and sediments, storm water inputs, atmospheric deposition, and groundwater (Inflow & Infiltration) inputs.

3) The permittee shall submit an annual report to the Division of Surface Water, Northwest District Office before March 1 each year. The annual report shall include:

- a) All minimization program monitoring results for the year;
- b) A list of potential sources of the pollutants that are subject to PMP requirements
- c) A summary of all actions taken to meet the effluent limits for those pollutants
- d) Any updates of the control strategy

4) This permit may be modified, or alternatively, revoked and reissued, to revise or remove the requirements of this paragraph based on information collected under this paragraph.

L. The daily maximum effluent limitations for Outfall 2IG00001001 apply whenever the effluent flow rate is less than 8.0 MGD. The 30 day average effluent limitations for Outfall 2IG00001001 apply to the average of all days of the month when the effluent flow is less than 8.0 MGD.

If the effluent flow is equal to or greater than 8.0 MGD at any time during the month, the daily maximum effluent limitations for Outfall 2IG00001091 apply only during the day or days the effluent flow was greater than or equal to 8.0 MGD. The 30 day average effluent limitations for Outfall 2IG00001091 apply to the average of all days of the month when the flow was greater than or equal to 8.0 MGD.

M. Lima Refining Company is permitted to accept wastewaters, into its Wastewater Treatment Plant from locations outside the refinery, that are primarily petroleum based. These waters include, but are not limited to: petroleum terminal wastewater streams, petroleum retail wastewater streams, crude oil terminal wastewater streams, and petroleum based wastewater from cleanup efforts in the region. Acceptance of these wastewater streams does not relieve the permittee from compliance with permit limits and conditions.

N. 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 the Ottawa River. This includes final outfalls, bypasses, and combined sewer overflows. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall be not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water.

## O. General Mercury Variance

The permittee is granted a general mercury variance under the provisions of Rule 3745-33-07(D)(10) of the Ohio Administrative Code. The permittee has demonstrated that the facility is currently unable to comply with the monthly average water quality based effluent limit of 1.3 ng/l without construction of expensive end-of-pipe controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act. The permittee is currently able to achieve or projects it can achieve an annual average mercury concentration of 12 ng/l prior to the expiration date of this NPDES permit. For general mercury variance purposes, the annual average mercury effluent concentration is defined as the average of the most recent 12 months of effluent data.

One of the conditions of the general mercury variance is that the permittee make reasonable progress towards attaining the water quality based effluent limits for mercury (1.b, below). To accomplish this the permittee is required to implement a pollutant minimization program (PMP) for mercury. The elements of a PMP include: a control strategy to locate, identify and, where cost-effective, reduce levels of mercury that contribute to discharge levels; periodic monitoring of sources and the treatment system; and annual reporting of results.

The plan of study that was part of the permittee's application for coverage under the general mercury variance includes items associated with developing a control strategy and initial implementation of a PMP. Condition 1.d, below, requires the permittee to implement the plan of study. By implementing the plan of study and meeting other conditions of this NPDES permit, the permittee is taking actions consistent with a PMP for mercury.

1. As conditions of this variance, the permittee shall meet the following requirements:

- a. The permittee shall comply with the effluent limitations for mercury at outfall 2IG00001001/2IG00001091 given in Part I, A of this permit.
- b. The permittee shall make reasonable progress towards attaining the monthly average water quality based effluent limit for mercury by complying with the general mercury variance conditions included in this NPDES permit.
- c. The permittee shall use EPA Method 1631 to comply with the influent and effluent mercury monitoring requirements of this permit. The method detection level (MDL) for Method 1631 is 0.2 ng/l. The quantification level for Method 1631 is 0.5 ng/l.

d. The permittee shall implement the plan of study as included in the permittee's mercury variance application submitted on October 29, 2010, as updated, including the following summary of requirements:

- i. Identify mercury containing chemicals purchased and used at the Refinery;
- ii. Determine whether purchasing policies can be established to purchase and evaluate non-mercury alternatives;
- iii. Develop and implement a sewer system and process stream monitoring plan;
- iv. Evaluate high mercury wastewater streams to determine ways to reduce or eliminate impact of mercury; and
- v. Continue to implement mercury reduction measures throughout the Refinery based on continued monitoring protocol and sampling results.

e. The permittee shall assess the impact of the mercury variance on public health, safety, and welfare by, as a minimum, monitoring for mercury in the facility's influent and effluent as required by this NPDES permit.

f. The permittee shall achieve an annual average mercury effluent concentration equal to or less than 12 ng/l, as specified in the plan of study submitted with the permittee's mercury variance application.

g. Beginning in 2012, on or before February 1 of each year, the permittee shall submit two copies of an annual PMP report to Ohio EPA Northwest District Office. The annual PMP report shall include:

- i. All minimization program monitoring results for the year
- ii. A list of potential sources of mercury
- iii. A report on the evaluations in item d. above
- iv. A summary of all actions taken to meet the effluent limits for mercury
- v. Any updates of the control strategy, including actions planned to reduce the levels of mercury in the treatment plant's final effluent

h. Upon completion of the actions identified in the plan of study as required in Part II, Item O.1.d. of this permit or upon submittal of the permittee's NPDES permit renewal application, whichever comes first, the permittee shall submit to Ohio EPA Northwest District Office a certification stating that all permit conditions imposed to implement the plan of study and the PMP have been satisfied and whether compliance with the monthly average water quality based effluent limit for mercury has been achieved and can be maintained. This certification shall be accompanied by the following:

- i. All available mercury influent and effluent data for the most recent 12 month period.
- ii. Data documenting all known significant sources of mercury and the steps that have been taken to reduce or eliminate those sources; and
- iii. A determination of the lowest mercury concentration that currently available data indicate can be reliably achieved through implementation of the PMP.

2. If at any time after the date specified in this variance by which the permittee must meet an average annual mercury effluent concentration of 12 ng/l or after the Director's final approval of a variance renewal, whichever is earlier, the permittee's annual average mercury effluent concentration exceeds 12 ng/l, the permittee shall:

- a. Notify Ohio EPA Northwest District Office not later than 30 days from the date of the exceedance.
- b. Submit an individual variance application, if a variance is desired, not later than 6 months from the date of the exceedance; or
- c. Request a permit modification not later than 6 months from the date of the exceedance for a compliance schedule to attain compliance with the water quality based effluent limits for mercury.

If the permittee complies with either 2.b or 2.c, above, the general mercury variance conditions included in this NPDES permit will remain in effect until the date that the Director acts on the individual variance application or the date that the permit modification becomes effective.

If the permittee does not comply with either 2.b or 2.c, above, a monthly water-quality based effluent limit for mercury of 1.3 ng/l shall apply at outfall 2IG00001001/2IG00001091 beginning 6 months from the date of the exceedance.

The requirements of Part II, Item O.2 shall not apply if the permittee demonstrates to the satisfaction of the Director that the mercury concentration in the permittee's effluent exceeds 12 ng/l due primarily to the presence of mercury in the permittee's intake water.

#### P. Permit Reopener for Mercury Variance Revisions

Ohio EPA may reopen and modify this permit at any time based upon Ohio EPA water quality standard revisions to the mercury variance granted in Part II, Item M of this permit.

#### Q. Renewal of Mercury Variance

For renewal of the mercury variance authorized in this permit, the permittee shall include the following information with the submittal of the subsequent NPDES permit renewal application:

1. the certification described under Part II, Item O.1.h., and all information required under Part II, Item O.1.h.i. through Part II, Item O.1.h.iii;
2. a status report on the progress being made implementing the pollutant minimization program (PMP). This information may be included in the annual PMP report required under Part II, Item O.1.g;
3. a listing of the strategies and/or programs in the PMP which will be continued under the next renewal of this permit; and
4. a statement requesting the renewal of the mercury variance.

#### R. Biomonitoring Program Requirements

As soon as possible, but not later than three months after the effective date of this permit, the permittee shall continue an effluent biomonitoring program to evaluate compliance with the whole effluent toxicity limits of 1.0 TU<sub>a</sub> and 4.4 TU<sub>c</sub> outfall 2IG00001001 and 1.0 TU<sub>a</sub> at outfall 2IG00001011.

#### General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency (hereinafter, the "biomonitoring guidance"), Ohio EPA, 1991 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance, shall be submitted no later than three months after the effective date of this permit. If the laboratory performing the testing has modified its protocols, a new SOP is required.

#### Testing Requirements

## 1. Chronic Bioassays

The permittee shall conduct quarterly chronic toxicity tests using Ceriodaphnia dubia and fathead minnows (Pimephales promelas) on effluent samples from outfall 2IG00001001/2IG00001091 . These tests shall be conducted as specified in Section 3 of the biomonitoring guidance. Acute endpoints, as described in Section 2.H. of the biomonitoring guidance, shall be determined from the chronic test results.

## 2. Acute Bioassays (This only applies at Outfall 2IG00001011)

After the reclamation project is complete and the permittee reports under station 2IG00001011, the permittee shall conduct quarterly acute toxicity tests using Ceriodaphnia dubia and fathead minnows (Pimephales promelas) on effluent samples from outfall 2IG00001011. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance.

## 3. Data Review

### a. Reporting

Following completion of each bioassay test requirement, the permittee shall report results of the tests in accordance with Sections 3.H.1. and 3.H.2.b. of the biomonitoring guidance. Ohio EPA will evaluate the results in order to judge compliance with the whole effluent toxicity limitations of 1.0 TU<sub>a</sub> and 4.4 TU<sub>c</sub> at outfall 2IG00001001/2IG00001091. In addition, this permit may be modified to require additional biomonitoring or to require further investigation of toxicity.

### b. Definitions

- . TU<sub>a</sub> = Acute Toxic Units = 100/LC50
- . TU<sub>c</sub> = Chronic Toxic Units = 100/IC25, except , for Ceriodaphnia tests,
- . when the following definition yields a higher TU<sub>c</sub> value:
- . TU<sub>c</sub> = Chronic Toxic Units = 100/square root of NOEC x LOEC

S. Should Lima Refining Company wish to continue using Dissolved Metal Translators (DMT) for future waste load allocations, in particular for total chromium, copper, lead, nickel and zinc, a new DMT analysis or study must be completed prior to the renewal of this permit and submitted with the renewal application. See paragraphs F and G in rule 3745-2-04 of the Ohio Administrative Code for requirements in developing a DMT study.

T. The current permit limitations for ammonia are based upon a Monte Carlo simulation conducted to show that water quality standards in the Ottawa River are being met downstream of the discharges in this river segment. In order for Ohio EPA to consider alternative ammonia limits in future permits which are less stringent than would be required by default modeling procedures, Lima Refining Company must submit the results of a new simulation (or comparable study) no later than 36 months from the effective date of this permit. A study plan shall be submitted no later than 24 months from the effective date of this permit.

U. Storage ponds shall be operated and maintained to have sufficient volume available so that no process wastewater discharges will occur under normal operations and only occur when the Ottawa River has a flow of at least 6.0MGD. Precipitation events may cause an overflow of process wastewater from structures that are designed, constructed and maintained to contain all process wastewater. If the permittee must discharge from outfall 2IG00001011 the discharge event may not exceed 48 hours in any 7 day period (unless the criteria in Part II, Item V are met) and the Ottawa River shall have a flow of at least 6.0MGD.

In the event of an emergency where the permittee must discharge to the Ottawa River when 6.0MGD background flow is not available, the permittee shall submit a report to Ohio EPA Northwest District within seven days. The report shall include the following:

- The dates and time of the discharge event;
- The flow of the Ottawa River at USGS station 4187100 (in MGD) at the time of the event;
- The reasoning of why the facility discharged to the Ottawa River; and
- The total flow measured at outfall 2IG00001011 for the discharge event.

V. The permittee may discharge at outfall 2IG00001011 for a duration of more than 48 hours in a 7 day period if the following criteria are met:

a) Upstream Flow, via USGS gage station 4187100, has a flow equal to or greater than 219.6 cfs (141.95 MGD) measured on the day that the permittee discharges beyond 48 hours in a 7 day period;

b) The permittee shall discharge no more than 3.0 MGD beyond the first 48 hours of discharge; and

c) The permittee shall submit a report to the Ohio EPA Northwest District within seven days. The report shall include the following:

- The dates and time of the discharge event;
- The flow of the Ottawa River at USGS station 4187100 (in MGD) at the time of the event;
- The reasoning of why the facility discharged to the Ottawa River; and
- The total flow measured at outfall 2IG00001011 for the discharge event.

If the above criteria are not met and the permittee discharges for more than 48 hours in a 7 day period, this may result in the addition of chronic whole effluent toxicity limits and the inclusion of monthly concentration and loading limits for specific parameters in this permit, including but not limited to Total Filterable Residue (TDS), Ammonia, Free Cyanide, Selenium, Chromium, Dissolved Hexavalent Chromium, Bis (2-ethylhexyl) Phthalate, and Total Residual Chlorine.

Ohio EPA or the permittee may revisit specific items in this permit, including the criteria necessary for discharges of a duration longer than 48 hours in a seven day period in this Item V, if new information or new procedures are discovered that allow for different upstream flows, a different daily discharge allowance, or any other items that may change the mass balance calculations used in developing the criteria in Item V.

## 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(i) 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.