OHIO EPA
DRAFT PERMIT
SUBJECT TO REVISION

Effective Date:
Expiration Date:

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION TO DISCHARGE
GEOTHERMAL WATERS 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., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), discharges of wastewater, as defined in Part I.B. of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the outfalls at the sites and to the receiving waters identified in the applicant's Notice of Intent (NOI) application on file with Ohio EPA in accordance with the conditions specified in this General Permit Authorization to Discharge Geothermal Waters ('permit").

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. Paragraph (D)(1)(j) of rule 3745-1-05 of the Ohio Administrative Code was applied to this determination. This permit excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation of water quality. Other rule provisions, including public participation and appropriate intergovernmental coordination, were required and considered prior to reaching this the conditions of this permit.

Granting of permit coverage is conditioned upon payment of applicable fees, and submittal of a complete NOI application and the receipt of written authorization of permit coverage from the Director of Ohio EPA.

_____
Craig W. Butler
Director

Total Pages: 25

Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit covers the entire state of Ohio.

B. Applicability. Ohio Revised Code Chapter 6111 provides that geothermal heating and cooling system discharges from a point source to waters of the state are unlawful, unless authorized by an NPDES permit. Entities with a geothermal system discharge (see definition in Part VI of this permit) via a point source (including discharges through a municipal separate storm sewer system) to waters of the state are required to submit a permit application in accordance with Ohio EPA regulations. Entities that are eligible for coverage under this permit and submit NOI applications in accordance with the requirements of Part II of this permit are in compliance with the NPDES application requirements for such wastewater discharges.

C. Eligibility.

1.
a. Except for the dischargers identified under Part I.C.2., this permit may cover all new and existing geothermal system discharges to waters of the state.
b. Discharges under this permit shall consist solely of geothermal system water free from process wastewater, antifreeze chemicals, and any heat transfer materials other than water.

2. Limitations on Coverage. The following geothermal system discharges are not authorized by this permit:

a. geothermal system discharges that are mixed with any other type of discharge prior to reaching the receiving water. If the wastewater discharge combines with another type of waste stream from the applicant prior to reaching the receiving stream, and it is possible to sample each waste stream separately, the wastewater discharge may be covered by this permit. The other waste stream(s) must be covered under a different NPDES permit. Storm water from industrial activity that is mixed with the geothermal system discharge is not covered by this general permit. Storm water discharges are authorized separately by a storm water general permit;

b. any discharge that includes process wastewater or storm water from an industrial facility, unless the process wastewater or storm water discharges are monitored separate from the geothermal system wastewater discharge and are covered under a different NPDES permit;

c. wastewater discharges from geothermal systems that are subject to an existing NPDES individual permit with a final effluent limitation or conditions that are not addressed by this permit;

d. wastewater discharges from geothermal systems that the Director has determined to be contributing to a potential violation of water quality standards;

e. geothermal system discharges to combined or sanitary sewer systems;

f. discharges of antifreeze chemicals and heat transfer fluids other than water;

g. wastewater discharges that take place within 500 yards of a surface drinking water intake and cannot meet Ohio's public water supply standards;

h. any discharge that does not meet the temperature increase limit in Part III of this permit;

i. any discharge from an aquifer connected to a natural salt deposit;

j. any discharge to superior high quality waters, outstanding state waters, outstanding national resource waters, or category 3 wetlands as defined by rule 3745-1-05 of the Ohio Administrative Code;

k. discharge to waters classified as Coldwater Habitat or Exceptional Warmwater Habitat;

l. discharge to groundwater; and

m. discharges that contain a total concentration of volatile organic compounds greater than 100 ug/L (monthly average). The total concentration of volatile organic compounds is the sum of all detected volatile organic compounds. Volatile organic compounds are those chemicals with Henry's Law Constants greater than 0.001, and water solubility less than 8000 mg/L. These include, but are not limited to, the following chemicals:

Benzene
Carbon Disulfide
Carbon Tetrachloride
Chlorobenzene
Chloromethane
Chloroform
Dibromochloromethane
Dichlorodifluoromethane

1,1-Dichloroethane
1,2 - Dichloroethane
1,1-Dichloroethene (1,1-Dichloroethylene)
cis-1,2-Dichloroethene (cis - 1,2 - Dichloroethylene)
trans - 1,2 - Dichloroethene (trans - 1,2 - Dichloroethylene)
1,2 - Dichloropropane
1,3 - Dichloropropene (1,3 - Dichloropropylene)
Ethylbenzene
n - Hexane
Methylene Chloride (Dichloromethane)
Styrene

1,1,1,2 - Tetrachlorethane
1,1,2,2 - Tetrachloroethane
Tetrachloroethene (Tetrachloroethylene)
Toluene
1,1,1 - Trichloroethane
1,1,2 - Trichloroethane
Trichloroethene (Trichloroethylene)
Trichlorofluoromethane
1,2,3 - Trichloropropane
Vinyl Chloride (Chloroethene, Chloroethylene)
Xylenes

D. Authorization.

1. To be authorized to discharge under this permit, geothermal system dischargers must submit an NOI application in accordance with the requirements of Part II of this permit, using an NOI application form provided by the Director.

2. After the NOI application is reviewed by the Ohio EPA, the applicant shall be notified as to Ohio EPA's authorization or denial for coverage under this permit.

3. The Director may require submittal of an application for an individual NPDES permit based on a review of the NOI application or other information.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Persons to Submit an NOI Application

Persons whose geothermal system discharges are designed to discharge 100,000 gallons per day or more at any time must submit an NOI application to Ohio EPA according to the requirements below. Persons who are not required to submit an NOI application are subject to all other applicable parts of this permit.

B. Deadlines for Notification.

1. No NOI applications will be accepted prior to the effective date of this permit.

2. Persons with an existing discharge who intend to renew coverage under this permit shall submit an NOI application in accordance with the requirements of this part within 45 days of the effective date of this permit (see Part V.F.3.).

3. Persons that propose to begin discharging wastewater associated with geothermal systems after the effective date of this permit shall submit an NOI application in accordance with the requirements of this part 45 days prior to commencing discharge, unless permission for a later date has been granted by Ohio EPA.

4. Coverage under this permit is transferable. Ohio EPA must be notified in writing at least 30 days prior to any proposed transfer of coverage under this permit (see Part V.E. for transfer requirements).

5. An operator of a facility with a wastewater discharge associated with geothermal systems may submit an NOI application in accordance with the requirements of this part after the dates provided in Part II.B.2. or B.3. of this permit. In such instances, Ohio EPA may bring an enforcement action for any discharges of wastewater associated with geothermal systems that have occurred before coverage under this permit has been authorized.

C. Contents of the NOI Application and Supplementary Information.

1. The applicant shall complete and submit an approved NOI application form provided by Ohio EPA. The NOI application shall include the information required by the NOI application form and its instruction sheet. Failure to follow the NOI application instructions may result in the NOI application being returned to the applicant. The NOI electronic application form is available through the Ohio EPA eBusiness Center at:

https://ebiz.epa.ohio.gov/

Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for the final submission of the NOI application. Existing eBusiness Center account holders can access the NOI application form through their existing account and submit using their existing PIN. A guide for the Ohio EPA eBusiness Center is available in the link below:

http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide%20(Dashboard).pdf

Alternatively, if you are unable to access the NOI application form through the agency eBusiness Center due to a demonstrated hardship, the NOI application may be submitted on paper NOI application forms provided by Ohio EPA. NOI application information shall be typed or hand-written on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOI application form.

2. Supplementary information required to be submitted with the NOI application:

a. Applicants shall include the results of a volatile organic chemical analysis as defined in Part I.C.2.m. of this permit. This analysis shall be done on a grab sample of the source groundwater or effluent of the geothermal system discharge. Analyses must be done using the analytical methods of 40 CFR Part 136.

b. Applicants shall include the lab results of analysis for the parameters listed below. These samples shall be done on a grab sample of the source groundwater or effluent of the geothermal system discharge. Analyses must be done using the analytical methods of 40 CFR Part 136.

Arsenic, total recoverable
Barium, total recoverable
Cadmium, total recoverable
Chlorine, total residual
Copper, total recoverable
Dissolved solids, total
Lead, total recoverable
Nickel, total recoverable
Selenium, total recoverable
Strontium, total recoverable
Zinc, total recoverable

D. Where to Submit. Facilities that discharge wastewater associated with geothermal systems must use the NOI application form approved by the Director of the Ohio EPA referenced above. NOI applications must be signed in accordance with Part V.D of this permit. Payment in the amount designated on the form can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found here:

http://epa.ohio.gov/portals/35/edmr/doc/ePAYwalkthrough.pdf

E. Additional Notification.

1. Facilities that discharge wastewater associated with geothermal systems through a municipal separate storm sewer system shall, in addition to filing copies of the NOI application in accordance with Part II.D, submit signed copies of the NOI application to the operator of the municipal separate storm sewer system (MS4) through which they discharge in accordance with the deadlines in Part II.A of this permit. See Part VI of this permit for a definition of a MS4.

2. Facilities that draw more than 100,000 gallons per day for at least 60 days per year must register and file well log reports with the Ohio Department of Agriculture, Division of Soil and Water Conservation at the following website:

http://www.agri.ohio.gov/divs/SWC/SWC.aspx .

F. Renotification for Permit Renewal. In order to receive authorization to discharge beyond the date of expiration of this permit (i.e. renew existing permit), the permittee shall notify the Director of the intent to be covered by the new general permit by submitting a new NOI application within 45 days after the effective date of the renewed general permit.

G. Notice of Termination (NOT). When all wastewater discharges associated with geothermal systems that are authorized by this permit are eliminated, the operator of the facility must submit a NOT that is signed in accordance with Part V.D of this permit.

1. The NOT shall include the information required by the NOT form and shall be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service using the online form provided by the Director of the Ohio EPA.

https://ebiz.epa.ohio.gov/login.html

2. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique PIN for final submission of the NOT. Existing eBusiness Center account holders can access the NOT form through their existing account and submit using their existing PIN.

http://epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide%20(Dashboard).pdf

Alternatively, if you are unable to access the NOT form through the Agency eBusiness Center due to a demonstrated hardship, the NOT may be submitted on paper NOT forms provided by Ohio EPA. NOT information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOT form.

Part III - 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.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00011 - Water Temperature - F	-	-	-	-	-	-	-	1/Month	Grab	Summer
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Month	Grab	All
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Year	Grab	July
61942 - pH, Minimum - S.U.	-	6.5	-	-	-	-	-	1/Year	Grab	July

The monitoring requirements in the table above apply only to systems that are designed to discharge 100,000 gallons per day or more. Monitoring is not required for systems designed to discharge less than 100,000 gallons per day.

Narrative Limitations (applicable to discharges of any volume):

- For discharges that are designed to discharge greater than 5,000 gallons per day, the temperature of the discharge from an open-loop geothermal system must be no more than 10 degrees Fahrenheit greater than the temperature of the groundwater source;

- For discharges that are designed to discharge 5,000 gallons per day or less, the temperature of the discharge from an open-loop geothermal system must be no more than 15 degrees Fahrenheit greater than the temperature of the groundwater source.

Ohio EPA may require the permittee to monitor volatile organic compounds as defined in Part I.C.2.m based upon information submitted by the permittee with the NOI application, and information available to the director on groundwater quality in the area of the geothermal well. Parameters to monitor and monitoring frequency for selected parameters will be established by Ohio EPA after the NOI application is submitted and sent to the permittee at the time general permit coverage is authorized.

Part IV. SPECIAL CONDITIONS

A. This permit may be modified to comply with any applicable standards or regulations.

B. Samples taken in compliance with the effluent monitoring requirements shall be collected following treatment (if provided) and prior to either direct or via storm sewer discharge to the receiving stream.

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

D. General Effluent Limitations. The effluent shall, at all times, be free of substances:

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

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

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

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

5. 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 of any other fashion;

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

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and is grounds for enforcement action; for permit coverage revocation or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions. Ohio Revised Code Chapter 6111 provides for criminal, civil and administrative enforcement of permit violations.

a. Criminal

i. Ohio Revised Code Chapter 6111 provides that any person who violates permit conditions is subject to a fine or imprisonment.

ii. False Statement. Ohio Revised Code Section 2921.13 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, shall upon conviction be punished by a fine or by imprisonment for not more than six months, or both.

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

b. Civil Penalties. Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued provided an NOI application has been submitted within 45 days after the effective date of the renewed general permit.

C. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Signatory Requirements. All NOIs, NOTs, reports, certifications or information either submitted to the Director (and/or the operator of a MS4), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs 1 through 2.

1. NOIs and NOTs shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) 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 (2) 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.

b. For a partnership, sole proprietorship or home owner: by a general partner, the proprietor or homeowner, respectively; or

c. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

2. All reports required by this permit and other information requested by the Director shall be signed by a person described in Paragraph 1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if all of the following apply:

a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

c. Changes to authorization. If an authorization under Part V.D.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.D.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

E. Transfers of Permit Coverage.

This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility until the following requirements are met:

1. 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 Ohio EPA Central Office. The copy of that letter shall serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA central office at least 30 days prior to the proposed date of transfer;

2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the current permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date) shall be submitted to Ohio EPA Central Office within 30 days after receipt by the central office of the copy of the letter from the permittee to the succeeding owner;

3. The Director does not exercise his right within 30 days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to revoke coverage under the permit and to require that a new NOI application be filed; and

4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

At any time during the 30 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.

F. Requiring an individual permit or an alternative general permit.

1. The Director may require a permittee to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may notify the operator in writing that an application for an individual permit is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this permit shall be revoked. Individual permit applications shall be submitted to the appropriate Ohio EPA district office, Division of Surface Water. The Director may grant additional time to submit the application upon request of the permittee and good cause shown. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of last day of the period specified for application submittal (see Part V.W). Any discharge past this date is illegal and subject to enforcement.

2. Any operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The operator shall submit an individual application (Form 1 and Form 2C, 2D, 2E, or 2F) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA district office, Division of Surface Water. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request (see Part I.C).

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative general permit, the applicability of this permit to the permittee is automatically revoked on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

4. If an individual permit holder believes the discharge could be covered by this permit, the owner or operator must submit a NOI (See Part II.C) for coverage under this permit and request the appropriate Ohio EPA district office, Division of Surface Water, to either revoke the existing individual permit or approve No Permit Requirement (NPR) for the existing individual permit.

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

H. Inspection and Entry. The permittee shall allow the Director or an authorized representative of Ohio EPA or other designated representative or, in the case of a facility that discharges through a MS4, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. At reasonable times to 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;

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

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

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Ohio Revised Code Chapter 6111 or the Clean Water Act, any substances or parameters at any location.

I. Upset.

1. An upset constitutes an affirmative defense to an action brought for non-compliance with a technology-based permit effluent limit if the requirements of Paragrah I.2. of this Permit are met. No determination made during administrative review of claims that non-compliance was caused by upset, and before an action for non-compliance, is a final action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. an upset occurred and that the permittee identified the cause(s) of the upset;
b. the permitted facility was at the time being properly operated;
c. the permittee submitted notice of the upset as required by the Paragraph S of this Part titled "Noncompliance Notification"; and,
d. the permittee complied with any remedial measures required under Paragraph T of this Part titled "Duty to Mitigate".

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proving the conditions of Part V.I.

J. General Effluent Limitations. See Part IV of this permit.

K. Facility Operation and Quality Control. All wastewater treatment works shall be operated in a manner consistent with the following:

1. 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.

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

3. 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 the Ohio EPA as specified in the Paragraph R of this Part entitled, " Unauthorized Discharges".

L. Reporting.

1. Monitoring data required by this permit shall be reported on the 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. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center is found on the following web page:

https://ebiz.epa.ohio.gov/

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 or hand-written on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive paper DMR forms.

2. The person signing and submitting the e-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://www.epa.ohio.gov/dsw/edmr/edmrpin.aspx

3. e-DMRs shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.

4. A copy of the submitted DMR shall be maintained onsite for records retention purposes (see Paragraph O of this Part entitled "Records Retention." A copy of the DMR can be printed from e-DMR.

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

6. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500), but records shall be retained as specified in the Paragraph O of this Part entitled "Records Retention."

M. Sampling and Analytical Methods. 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.

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

1. The exact place and date of sampling (time of sampling not required on DMR);
2. The person(s) who performed the sampling or measurements;
3. The date the analyses were performed on those samples;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses and measurements.

O. Records Retention. The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

1. All sampling and analytical records (including internal sampling data not reported);
2. All original recordings for any continuous monitoring instrumentation;
3. All instrumentation, calibration and maintenance records;
4. All plant operation and maintenance records;
5. All reports required by this permit;
6. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application; and
7. All chain of custody forms within the past three years.

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

P. 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 Ohio EPA Central Office. 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. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

Q. 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 or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

R. Unauthorized Discharges.

1. Bypassing or diverting of wastewater from the treatment works 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 downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent an unauthorized discharge which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under Paragraph R.2. of this Part.

2. Prior Notice.

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

b. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in Paragraph S.2 of this Part.

3. The Director may approve an unanticipated bypass, after considering its adverse effects, if the Director determines that it has met the three conditions listed in Paragraph R.1 of this Part.

4. The permittee shall submit notice of an unanticipated bypass as required in Paragraph S of this Part. (24-hour notice).

5. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation. The permittee shall monitor the effluent quality during these episodes at any frequency necessary to accurately and fully characterize the event. These bypasses are not subject to the provisions of Paragraphs R.1. and R.2.

S. Noncompliance Notification.

All notifications under this paragraph shall be made to the Ohio EPA, and also to the MS4 operator if the discharge flows to an MS4 prior to reaching receiving waters.

1. Exceedance of a Daily maximum Discharge Limit

a. The permittee may 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 within 24 hours of discovery.

The permittee may report to the appropriate Ohio EPA district office and central office e-mail accounts as follows:

Southeast District Office: sedo24hournpdes@epa.ohio.gov
Southwest District Office: swdo24hournpdes@epa.ohio.gov
Northwest District Office: nwdo24hournpdes@epa.ohio.gov
Northeast District Office: nedo24hournpdes@epa.ohio.gov
Central District Office: cdo24hournpdes@epa.ohio.gov
Central Office: co24hournpdes@epa.ohio.gov

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 .

2. Other Permit Violations

The permittee shall report noncompliance that is the result of any of the following:

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

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

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

For violations described under Paragraphs 2.b and 2.c of this Part, the permittee shall report noncompliance to the appropriate Ohio EPA district office by e-mail within 24 hours of discovery. The contact information is listed in Paragraph S.1 of this Part.

For violations described under item 2.a of this section, the permittee shall report noncompliance within 30 minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282 - 9378.

The permittee shall include the following information in the telephone noncompliance report:
- The name of the permittee, and a contact name and telephone number;
- The limit(s) that has been exceeded;
- The extent of the exceedance(s);
- The cause of the exceedance(s);
- The period of the exceedance(s) including exact dates and times;
- If uncorrected, the anticipated time the exceedance(s) is expected to continue; and
- Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

3. When the telephone option is used for the non-compliance reports required by Paragraph S.2 above, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed non-compliance report.

4. The permittee shall report all instances of noncompliance not reported under paragraphs S.1 or S.2 of this Part in the monthly DMR submission. The DMR shall contain comments that include the information listed in Paragraphs S.1 or S.2 as appropriate.

5. If the permittee becomes aware that it failed to submit an NOI application, or submitted incorrect information in a n NOI application or in any report to the Director, it shall submit such facts or information.

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

U. Discharge Changes. The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable.

1. For all treatment works, any significant change in character of the discharge that the permittee knows or has reason to believe has occurred or will occur that would constitute cause for revocation. The permittee shall give at least 30 days of 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.

2. For publicly owned treatment works:

a. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
b. The addition of any new significant industrial discharge; and
c. Changes in the quantity or quality of the wastes from existing tributary industrial discharges that will result in significant new or increased discharges of pollutants.

3. 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, a determination will be made as to whether the permit should remain unchanged or be revoked. 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.

4. In addition to the reporting requirements under 40 CFR 122.41(1) 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:

a. That any activity has occurred or will occur that would result in the discharge on a routine or frequent basis of any toxic pollutant that 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).

V. 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.

W. Revocation of Permit Coverage.

1. After notice and opportunity for a hearing, permit coverage may be revoked by the Ohio EPA during its term for cause including, but not limited to, the following:

a. violation of any terms or conditions of this permit;
b. obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
d. obtaining coverage under an individual or alternative general permit is required (see Part V.F.).

2. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part II.G. for requirements regarding NOT.

X. Oil and Hazardous Substance Liability. With the exception of full compliance with the effluent limitations found in this permit, 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 Act.

Y. Solids Disposal. Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

Z. 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.

AA. Civil and Criminal Liability. Except as exempted in the permit conditions on "Unauthorized Discharges" (Part V.R.) or "Upsets" (Part V.I.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

AB. State Laws and Regulations. Nothing in this permit shall be construed to preclude the institution of any legal action nor 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 Act.

AC. 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.

AD. 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.

AE. Applicable Federal Rules. All references to Parts and sections of 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit, with such Parts and sections hereby incorporated by reference as if fully written herein.

AF. Penalties for Violations of Permit Conditions.

1. 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. ORC 6111.99 provides that any person who knowingly submits false information or records or fails to submit information or records shall be fined not more than $25,000.

2. 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.

3. 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.

4. 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 twenty-five thousand dollars or imprisoned not more than one year, or both.

AG. Pollution Prevention.

It is suggested that, if applicable, the permittee evaluate potential prevention methods and install the latest pollution prevention technology if it is economically feasible. If pollution prevention methods are currently being used, it is suggested that they be re-evaluated; the latest pollution prevention technology should be installed if applicable, necessary, and economically feasible.

Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner.

You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and the Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual, please contact the Ohio EPA, Office of Pollution Prevention at (614) 644-3949.

Part VI - DEFINITIONS

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4 33 U.S.C. 1251 et.seq.

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

"Daily concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Director" means the director of Ohio EPA or an authorized representative.

"External sampling" means sampling of the wastewater which occurs after the final treatment process.

"Geothermal heating and cooling system" or "Geothermal system" means heating or cooling systems that uses temperature differences between groundwater and ambient air temperature to heat or cool a building.

"Grab sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

"Internal sampling" means sampling of the wastewater which occurs between the first and final treatment processes.

"Municipal separate storm water system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutter, ditches, man-made channels or storm drains) that is:

(i) owned or operated by the federal government, state, municipality, township, county, district or other public body (created by or pursuant to state or federal law) including special districts under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Act that discharges into surface waters of the state;

(ii) designated or used for collecting or conveying solely storm water;

(iii) not a combined sewer; and

(iv) not part of a publicly owned treatment works.

"MGD" means million gallons per day.

"mg/kg" means milligrams per kilogram dry weight.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking, monitoring and enforcing permits, and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program".

"NOI" means notice of intent to be covered by this permit (see Part II of this permit).

"NOT" means notice of termination (see Part II.G. of this permit).

"Open-loop Geothermal System" means a heating or cooling system that pumps groundwater through a heat transfer device tand then discharges the groundwater to a surface water of the state.

"Quarterly sampling frequency" means the sampling shall be done in the months of March, June, August, and December.

"Receiving waters" means the waters of the state into which point and non-point sources flow.

"Regional administrator" means the administrator of the U.S. Environmental Protection Agency, Region V.

"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.

"Semi-annual sampling frequency" means the sampling shall be done during the months of June and December.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities that would cause them to become inoperable, or substantial and permanent loss of natural resources that 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.

"Sewage" means any substance that contains waste products or excrementitious or other discharge from the bodies of human beings or animals.

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

"Surface Waters of the State" means all streams, lakes, reservoirs, ponds, marshes, wetlands, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, that are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface waters.

"Tributary" means a stream flowing into a larger body of water.

"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.

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

"Yearly sampling frequency" means the sampling shall be done in the month of September.

"30-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean."30-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.