

NPDES Permit No.: OHM000001

Effective Date: June 3, 1994

Expiration Date: May 31, 1999

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**GENERAL PERMIT AUTHORIZATION TO DISCHARGE WASTEWATER**

**FROM COAL STRIP MINING ACTIVITIES 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 Section 6111), discharges of waste water, 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) on file with Ohio EPA in accordance with the conditions specified in Parts I through VI of this permit.

Granting of permit coverage is conditioned upon payment of applicable fees and submittal of the Notice of Intent form.

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.

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Donald R. Schregardus  
Director

## **Part I. COVERAGE UNDER THIS PERMIT**

- A. Permit Area.** This permit covers the entire state of Ohio.
- B. Eligibility.** This permit addresses discharges associated with active coal strip mining covered by 40 CFR 434 and associated storm water discharges required to obtain a NPDES permit by 40 CFR 122.26. Sanitary discharges are not covered by this permit. Discharges to state surface waters designed as State Resource Waters are not eligible for coverage under this general permit. Also discharges that the Director determines may cause or contribute to a violation of water quality standards are not eligible for coverage under this general permit. Discharges from activities other than those covered by this general permit may require an individual NPDES permit or NPDES Storm Water Permit.
- C. Authorization.** Dischargers of water from coal strip mining operations must submit a Notice of Intent (NOI) on a form provided by the Director of Ohio EPA, in accordance with the requirements of Part II of this permit to be authorized to discharge under this general permit. After the NOI form is reviewed by the Ohio EPA the permittee shall be notified as to Ohio EPA's approval or denial for coverage under this general permit. The Director of Ohio EPA may require submittal of an application for an individual NPDES permit for the coal strip mining operation based on a review of the NOI or other information.

## **Part II. NOTICE OF INTENT (NOI) AND NOTICE OF TERMINATION (NOT) REQUIREMENTS**

- A. Deadlines for Notification.** Individuals who intend to obtain coverage under this general permit for discharges of water from coal mining operations shall submit a NOI form 45 days prior to initiating ground disturbing activities. In an event of transfer, sale, or assignment of the rights to an existing coal strip mining permit, the new coal mining permittee must submit a NOI form and letter requesting a transfer of responsibility in accordance with the requirements of this part at least 60 days prior to the effective date of the transfer, sale, or assignment.
- B. Failure to Notify.** Dischargers of water from coal strip mining operations who fail to submit a NOI for coverage under this general permit or to secure an individual permit are in violation of Ohio Revised Code Chapters 6111 and 1513.
- C. Contents of Notice of Intent.** The applicant shall complete and submit an approved NOI form provided by Ohio EPA. The Notice of Intent shall include the information required by the NOI form and its instruction sheet.
- D. Where to Submit.** The complete and signed NOI, on the form provided by Ohio EPA, shall be submitted to the Ohio EPA at the following address:
- Ohio Environmental Protection Agency  
Division of Surface Water  
General Coal Strip Mine Permit NOI  
1800 WaterMark Drive  
PO Box 163669  
Columbus, Ohio 43216-3669**
- E. Renotification.** Upon issuance of a new or alternate general permit, the permittee shall notify the Director of its intent to be covered by the new, renewed, or alternate general permit in accordance with the written instructions provided by Ohio EPA regarding renotification. Coverage under this general permit shall terminate within 90 days of Ohio EPA's instructions regarding renotification.
- F.** An operator may submit an NOI in accordance with the requirements of this part after the timeframe specified in Part II, A. of this permit. In such instances, Ohio EPA may bring an enforcement action for any previously unpermitted discharges for which coverage is being sought under this permit that occurred prior to coverage being granted.

**F. Termination.** The Ohio EPA shall revoke or otherwise terminate coverage under this general permit when the permittee submits a Notice of Termination that is signed in accordance with Part V.D. of this permit. A NOT shall be submitted upon final bond release by the Ohio Department of Natural Resources-Division of Reclamation. The permittee shall use an NOT form provided by the Director of the Ohio EPA.

**H.** The Notice of Termination, shall be submitted to the following address:

**Ohio Environmental Protection Agency  
Division of Surface Water  
General Coal Strip Mine Permit NOT  
1800 Watermark Drive  
P.O. Box 163669  
Columbus, Ohio 43216-3669**

**Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES NOT APPLY** (i.e.; streams that are not designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 1

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Loading		Measurement Frequency	Sample Type		
			30 Day	Daily				30 Day
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00530	MG/L	Total Suspended Solids	35	70	-	-	Monthly	Grab*
74010	MG/L	Total Iron	3.0	6.0	-	-	Monthly	Grab*
74013	MG/L	Total Manganese	2.0	4.0	-	-	Monthly	Grab*

\* During discharge.

\*\* These requirements apply to discharges from the following:

- a) controlled surface mine drainage
- b) non-controlled surface mine drainage (including steep slope and mountaintop removal areas)

See following tables for alternative limitations and monitoring requirements applicable during precipitation events.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES NOT APPLY** (i.e.; streams that are not designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 2

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Concentration		Loading		Measurement Frequency	Sample Type
			30 Day	Daily	30 Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Settleable Solids	-	0.5	-	-	Monthly	Grab*
74010	MG/L	Total Iron	-	7	-	-	Monthly	Grab*

\* During discharge.

\*\* These alternate requirements apply to discharges from non-controlled surface mine drainage (except steep slope and mountain removal areas) when a discharge is the result of a precipitation event less than or equal to a 2 year, 24-hour event.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES NOT APPLY** (i.e.; streams that are not designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 3

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic		Discharge Limitations				Monitoring Requirements		
Reporting Code/Units	Parameter	Concentration		Loading		Measurement Frequency	Sample Type	
		30 Day	Daily	30 Day	Daily			
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Settleable Solids	-	0.5	-	-	Monthly	Grab*

\* During discharge.

\*\* These requirements apply to discharges from the following:

- a) non-controlled surface mining (except steep slope and mountaintop removal areas) which are caused by a precipitation event greater than a 2 year, 24 hour event but less than or equal to a 10 year, 24 hour event.
- b) steep slope or mountaintop removal areas which are caused by a precipitation event less than or equal to a 10 year, 24 hour event.
- c) reclamation areas (the permittee may discontinue monitoring upon Phase II bond release)

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES NOT APPLY** (i.e.; streams that are not designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 4

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration		Loading		Measurement Frequency	Sample Type
		Specify Units		kg/day			
		30 Day	Daily	30 Day	Daily		
00056	GPD Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)

\* During discharge.  
 \*\* These alternative requirements apply to discharges caused by precipitation events greater than a 10 year, 24 hour events from the following:  
 a) controlled surface mine drainage  
 b) non-controlled surface mine drainage (including steep slope or mountaintop removal areas)  
 c) reclamation areas (the permittee may discontinue monitoring upon Phase II bond release)

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.B. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 1

1. During the period beginning on the effective date of this permit and lasting no later than three years after the effective date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Loading		Measurement Frequency	Sample Type		
			30 Day	Daily			30 Day	Daily
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00530	MG/L	Total Suspended Solids	35	70	-	-	Monthly	Grab*
74010	MG/L	Total Iron	3.0	6.0	-	-	Monthly	Grab*
74013	MG/L	Total Manganese	2.0	4.0	-	-	Monthly	Grab*

\* During discharge.

\*\* These requirements apply to discharges from the following:

- a) controlled surface mine drainage
- b) non-controlled surface mine drainage (including steep slope and mountaintop removal areas)

See following tables for alternative limitations and monitoring requirements applicable during precipitation events.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.B. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 2

1. During the period beginning on the effective date of this permit and lasting no later than three years after the effective date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Concentration		Loading		Measurement Frequency	Sample Type
			30 Day	Daily	30 Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	MG/L	Settleable Solids	-	0.5	-	-	Monthly	Grab*
74010	MG/L	Total Iron	-	7	-	-	Monthly	Grab*

\* During discharge.

\*\* These alternative requirements apply to discharges from non-controlled surface mine drainage (except steep slope and mountain removal areas) when a discharge is the results of a precipitation event less than or equal to a 2 year, 24 hour event.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.B. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) **Table 3**

1. During the period beginning on the effective date of this permit and lasting no later than three years after the effective date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter		Concentration		Loading		Measurement Frequency	Sample Type
			Specify Units		kg/day			
			30 Day	Daily	30 Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	MG/L	Settleable Solids	-	0.5	-	-	Monthly	Grab*

- \* During discharge.
  - \*\* These requirements apply to discharges from the following:
    - a) non-controlled surface mine drainage (including steep slope and mountaintop removal areas) which are caused by a precipitation event greater than a 2 year, 24 hour event but less than or equal to a 10 year, 24 hour event.
    - b) steep slope or mountaintop removal areas which are caused by a precipitation event less than or equal to a 10 year, 24 hour event.
    - c) reclamation areas (the permittee may discontinue monitoring upon Phase II bond release)
- See following tables for alternative limitations and monitoring requirements applicable during precipitation events.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.B. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 4

1. During the period beginning on the effective date of this permit and lasting no later than three years after the effective date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration		Loading		Measurement Frequency	Sample Type
		Specify Units	kg/day	30 Day	Daily		
00056	GPD Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)

\* During discharge.  
 \*\* These alternative requirements apply to discharges caused by precipitation events greater than a 10 year, 24 hour event from the following:  
 a) controlled surface mine drainage  
 b) non-controlled surface mine drainage steep slope or mountaintop removal areas)  
 c) reclamation areas (the permittee may discontinue monitoring upon Phase II bond release)

See following tables for alternative limitations and monitoring requirements applicable during precipitation events.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.C. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 1

1. During the period beginning no later than three years after the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Loading		Measurement Frequency	Sample Type		
			30 Day	Daily				30 Day
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00530	MG/L	Total Suspended Solids	35	70	-	-	Monthly	Grab*
74010	MG/L	Total Iron	1.4	6.0	-	-	Monthly	Grab*
74013	MG/L	Total Manganese	2.0	4.0	-	-	Monthly	Grab*

\* During discharge.

\*\* These requirements apply to discharges from the following:

- a) controlled surface mine drainage
- b) non-controlled surface mine drainage (including steep slope and mountaintop removal areas)

See following tables for alternative limitations and monitoring requirements applicable during precipitation events.

2. The pH (Reporting Code 00400) shall not be less than 6.0 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.C. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 2

1. During the period beginning no later than three years after the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Concentration		Loading		Measurement Frequency	Sample Type
			30 Day	Daily	30 Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Settleable Solids	-	0.5	-	-	Monthly	Grab*
74010	MG/L	Total Iron	1.4	7	-	-	Monthly	Grab*

\* During discharge.

\*\* These alternate requirements apply to discharges from non-controlled surface mine drainage (except steep slope and mountain removal areas) when a discharge is the result of a precipitation event less than or equal to a 2 year, 24-hour event.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.C. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 3

1. During the period beginning no later than three years after the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Specify Units	Concentration		Loading		Measurement Frequency	Sample Type
			30 Day	Daily	30 Day	Daily		
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Settleable Solids	-	0.5	-	-	Monthly	Grab*
74010	MG/L	Total Iron	1.4	-	-	-	Monthly	Grab*

\* During discharge.

\*\* These requirements apply to discharges from the following:

- a) non-controlled surface mining (except steep slope and mountaintop removal areas) which are caused by a precipitation event greater than a 2 year, 24 hour event but less than or equal to a 10 year, 24 hour event.
- b) steep slope or mountaintop removal areas which are caused by a precipitation event less than or equal to a 10 year, 24 hour event.

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.C. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 4

1. During the period beginning no later than three years after the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration		Loading		Measurement Frequency	Sample Type
		Specify Units		kg/day			
		30 Day	Daily	30 Day	Daily		
00056	GPD Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)

\* During discharge.

\*\* These alternative requirements apply to discharges caused by precipitation events greater than a 10 year, 24 hour event from the following:

- a) controlled surface mine drainage
- b) non-controlled surface mine drainage (including steep slope or mountaintop removal areas)
- c) reclamation areas (see next page for other reclamation area requirements, the permittee may discontinue monitoring upon Phase II bond release)

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

**Part III.C. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS WHERE THE OHIO WATER QUALITY STANDARD FOR IRON DOES APPLY** (i.e.; streams that are designated warmwater, coldwater, exceptional warmwater, or modified warmwater habitat) Table 5

1. During the period beginning no later than three years after the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from any and all outfalls\*\*.

Effluent Characteristic			Discharge Limitations				Monitoring Requirements	
Reporting Code/Units	Parameter	Concentration Specify Units	Loading		Measurement Frequency	Sample Type		
			30 Day	Daily			30 Day	Daily
00056	GPD	Flow Rate	-	-	-	-	Weekly	24 Hour Tot. (Est.)
00545	ML/L	Setteable Solids	-	0.5	-	-	Monthly	Grab*

\* During discharge.

\*\* These requirements apply to discharges from the following:

- a) reclamation areas (the permittee may discontinue monitoring upon Phase II bond release)

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored weekly\* by grab sample.

Part III.D. SPECIAL EFFLUENT LIMITATIONS AND MONITORING CONDITIONS

1. Grab samples shall be collected at such times and locations and in such a fashion as to be representative.
2. Samples taken in compliance with effluent monitoring requirements shall be collected following treatment if provided and prior to entering to receiving streams.
3. For each monthly report form submitted to the Ohio EPA the source of the discharge shall be identified in the remarks section of the form (i.e., controlled surface mine drainage, non-controlled surface mine drainage, steep slope and mountaintop removal areas, or reclamation areas.) When monitoring of wastewater from a reclamation area is discontinued by the permittee due to Phase II bond release the permittee shall notify the Ohio EPA by letter providing outfall number.
4. Where wastestreams subject to 40 CFR 434 covered by this permit are combined for treatment or discharge with other wastestreams subject to 40 CFR 434 covered by this permit the concentration of each pollutant in the combined wastestream may not exceed the more stringent limitation for the pollutant appropriate to any component wastestream of the discharge.
5. For any day alternative effluent limitations and monitoring requirements are being sought note those days and associated alternative tables (2-4) in the remarks section of the monthly report form.
6. When seeking alternative effluent limitations the operator shall prove that the discharge or increase in the discharge was caused by the applicable precipitation event, and that the samples of the discharge for all parameters were collected during, or within 24 hours after, the applicable precipitation event.

The following information must be submitted by the permittee as proof to quality for the alternate effluent limitations.

- A. Date, Duration (Time Begin/Time End), and total 24-hour accumulation (inches) of the precipitation event which caused the discharge or increase in volume of the discharge.
- B. Date and time that grab samples were collected.

Precipitation events are defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional rainfall probability information.

This information shall be submitted as an addendum with the monthly operating reports where the alternative requirements are being requested.

**Part IV. STORM WATER POLLUTION PREVENTION PLAN**

A storm water pollution prevention (plan) shall be developed for each site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify and address potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges that comes into contact with any overburden, raw material, intermediate product, finished product, or waste product, from haul roads, exempt small drainage areas, railroad spurs, sidings, internal haulage limes, conveyor belts, chutes, aerial tramway haulage areas, equipment storage, maintenance yards, and coal handling buildings and structures. Wastestreams subject to effluent limitations contained in Part III of this permit do not need to be addressed by the plan. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water at the site and to assure compliance with the terms and conditions of this permit. Entities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit. This plan may incorporate by reference other plans, management practices, or permits that address these concerns as long as the plan required under this permit and those referenced are kept at the same location.

**A. Deadline for Plan Preparation and Compliance.**

1. The plan for storm water discharges that were existing on or before October 1, 1992, or that commence prior to April 1, 1993:
  - a. shall be prepared on or before April 1, 1993 (and updated as appropriate);
  - b. shall provide for implementation and compliance with terms of the plan on or before October 1, 1993;
2. The plan for discharges that commence after April 1, 1993, shall be prepared and provide for compliance with the terms of the plan and this permit, upon the initiation of ground disturbing activities including clearing, grading and excavating.

**B. Signature and Plan Review.**

1. The plan shall be signed in accordance with Part V.D, and be retained on-site at the facility which generates the storm water discharge.
2. The permittee shall make plans available upon request to the Ohio EPA Director, or authorized representative, or Regional Administrator of U.S. EPA, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.
3. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.
4. All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the Act. The permittee may choose to fulfill such requests by allowing viewing of the plan at its facilities, or choosing to copy the plan and sending it to the party making the request. The permittee may charge the party making the request a reasonable fee for copying the plan. The permittee may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2 and does not have to release any portion of the plan describing facility security measures.

**C. Keeping Plans Current.**

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or otherwise achieving the general objectives of controlling pollutants in storm water. Amendments to the plan may be reviewed by Ohio EPA in the same manner as Part IV.B above.

**D. Contents of Plan.** The plan shall include, at a minimum, the following items:

1. Pollution Prevention Team - Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

**D. Contents of Plan (Continued)**

2. Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:
  - a. Drainage.
    - (1) A site map, such as a drainage map required for an ODNR coal mining permit, indicating an outlines of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part IV.D.2.c of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
    - (2) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Flows with a significant potential for causing erosion shall be identified.
  - b. Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; prior to the date of their issuance of this permit and present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three year prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
  - c. Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility after the date of three years prior to the effective date of this permit.
  - d. Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility.
  - e. Risk identification and Summary of Potential Pollutant Sources a narrative description of the potential pollutant sources at the flowing areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concerns shall be identified.
3. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

3. (continued)

- a. Good Housekeeping - Good Housekeeping requires the maintenance of a clean, orderly facility.
- b. Preventative Maintenance - A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- c. Spill Prevention and Response Procedures - Area where potential spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
- d. Inspections - In addition to or as part of the comprehensive site evaluation required under Part IVD.4. of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.
- e. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the component and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
- f. Recordkeeping and Internal Reporting Procedures - A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
- g. Non-Storm Water Discharges
  - (1) The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria of testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at this site. Sources of wastewater authorized by this NPDES or another NPDES permit are legally authorized discharges and are not required to be addressed by the plan.
- h. Sediment and Erosion Control - the plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.

4. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:
  - a. Material handling areas and other potential sources of pollution identified in the plan in accordance with paragraph IV.D.2 of this permit shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment, shall be made.
  - b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with paragraph IV.D.2 of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph IV.D.3 of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.
  - c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Part V.D. of this permit.
5. Additional requirements for storm water discharges associated with industrial activity through municipal separate storm sewer systems serving a population of 100,000 or more.

In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that received the facility's discharge, provided the discharger has been notified of such conditions.
6. Consistency with other plans, Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under section 311 of the Act or Best Management Practices (BMP) Programs otherwise required by a NPDES permit for the facility as long as such requirement is incorporated which can be by reference, into the storm water pollution prevention plan.

## **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 Act and is grounds for enforcement action; for permit coverage termination, or for denial of continued coverage under a renewed general permit.
  2. **Penalties for Violations of Permit Conditions.**
    - a. Where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a NOI 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.

- A. Duty to Comply

2. Continued

- 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.

- B. Continuation of the Expired General Permit.** An expired general permit continues in force and effect until a new general permit is issued.
- C. Need to Halt or Reduce Activity Not a Defense.** 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 the conditions of this permit.
- D. Signatory Requirements.** All Notices of Intent, Notices of Termination, reports, certifications or information either submitted to the Director (and/or the operator of a large or medium municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed.

1. All Notices of Intent 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 employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, 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 the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 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 paragraph 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 paragraph 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.

2. Continued

- 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.** This permit is not transferable to any person except as described in Part II of this permit. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part V.F.

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

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

1. The Director may require any person authorized by this permit 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 require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit. The Director may notify the owner or operator in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address of the appropriate Ohio EPA district office. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

**F. Contined**

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C, 2D, or 2E) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA district office. 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 NPDES general permit, the applicability of this permit to the permittee is automatically terminated 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.

**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, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. 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 Clean Water Act, any substances or parameters at any location.

**I. 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 VI., Definitions.

**J. 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, greasy, 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 in any other fashion;
6. In amounts that will impair designated instream or downstream water uses.

**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 in this Part V entitled, UNAUTHORIZED DISCHARGES.

**L. Reporting.**

1. Monitoring data required by this permit shall be reported on the Ohio EPA report form provided to the permittee by the Ohio EPA on a monthly basis. Individual reports for each sampling station for each month are to be received no later than the 15th day of the next month. The original plus first copy of the report form must be signed and mailed to:

Ohio Environmental Protection Agency  
General Permit MOR  
P.O. Box 163669  
Columbus, Ohio 43216-3669

2. 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 below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.
3. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form but records shall be retained as specified in the paragraph 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);
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 five 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; and

**O. (Continued)**

6. Records of all data used to complete the application for this permit for a period of at least five years 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 five 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 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. 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, revoking, and reissuing, or terminating permit coverage, 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 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 a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The permittee submitted notices as required under paragraph S. of this section.
2. 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.
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 section.
4. The permittee shall submit notice of an unanticipated bypass as required in section S (one 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.

**S. Noncompliance Notification.**

1. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:
  - 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.
  - d. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

**S. Continued**

2. For the telephone reports required by Part S.1., the following information must be included:
  - a. The times at which the discharge occurred, and was discovered;
  - b. The approximate amount and the characteristics of the discharge;
  - c. The stream(s) affected by the discharge;
  - d. The circumstances which created the discharge;
  - e. The names and telephone numbers of the persons who have knowledge of these circumstances;
  - f. What remedial steps are being taken; and
  - g. The names and telephone numbers of the persons responsible for such remedial steps.
3. These telephone reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA district office. The report shall include the following:
  - a. The limitation(s) which has been exceeded;
  - b. The extent of the exceedance(s);
  - c. The cause of the exceedance(s);
  - d. The period of the exceedance(s) including exact dates and times;
  - e. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
  - f. Steps being taken to reduce, eliminate, and/or prevent recurrence of the exceedance(s).
4. The permittee shall report all instances of noncompliance not reported under paragraphs 1, 2, or 3 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs 2 and 3 of this section.
5. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a NOI or in any report to the director, it shall promptly 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 which 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 which would constitute cause for termination of coverage. 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.
2. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, expansion of coal mining permit boundaries into new watersheds with discharges to new receiving streams.

Following this notice, a determination will be made as to whether the permit coverage should be terminated. 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.

3. 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 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).

**U. (Continued)**

- b. 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).

**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. Permit Coverage Revocation.**

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; or
  - c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
2. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part II.F. for requirements regarding Notice of Termination (NOT).

**X. 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 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 or UPSETS, 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 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

## 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. 100-433 U.S.C. 1251 et.seq.

"daily load limitation" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

"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.

"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:  
(i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or  
(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or  
(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"7-day load limitation" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

"7-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration limitation for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"30-day load limitation" is the total discharge by weight during any 30-day period divided by the number of days in the 30-day period that the facility was in operation. If only one sample is taken in a 30-day period, the weight of pollutant discharge calculated from it is the 30-day load. If more than one sample is taken during one 30-day period, the 30-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 30-day period and dividing by the number of days sampled.

"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.

"85 percent removal limitation" 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.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, 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.F of this permit).

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

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

"Absolute Limitation" 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.

"Waters of the State" means all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways that are situated wholly or partially within the boundaries of the state, except those private waters that do not combine or effect a junction with natural surface or underground waters.

"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/kg" means milligrams per kilogram dry weight.

"mg/l" means milligrams per liter.

"ml/l" means milliliters per liter.

"µg/l" means micrograms per liter.

"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 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.

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

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

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

"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.

"Abandoned mine" means a mine where mining operations have occurred in the past and

- a. The applicable reclamation bond or financial assurance has been released or forfeited; or
- b. If no reclamation bond or other financial assurance has been posted, no mining operations have occurred for five years or more.

"Acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/l.

"Active mining area" means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term exclude coal preparation plants, coal preparation plant associated areas and post-mining areas.

"Associated Coal facilities" means those facilities resulting from or incident to coal mining and reclamation operations, and the areas upon which such facilities are located.

"Alkaline, mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/l.

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

"Bond release" means the time at which the Division of Reclamation returns or reduces liability on a performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.

"Coal preparation plant" means for purposes of this permit a facility where coal is subjected to chemical or physical processing or cleaning, concentrating or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

"Coal preparation plant associated areas" means for purposes of the permit the coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

"Coal preparation plant water circuit" means for purposes of the permit all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

"Coal refuse disposal pile" means any coal refuse deposits on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

"Commencement of Construction" The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Controlled surface mine drainage" means any surface mine drainage that is pumped or siphoned or otherwise diverted from the active mining area.

"Division of Reclamation" means the chief of the Division of Reclamation, Ohio Department of Natural Resources or an authorized representative.

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% cover for the area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.

"Mine drainage" means any drainage, and any water pumped or siphoned or otherwise diverted, from an active mining area or a post-mining area.

"Post-mining area" means:

- a. A reclamation area; or
- b. the underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

"Reclamation Area" means the surface area of a coal mine which has been returned to require contour and on which seeding or planting of permanent revegetation has commenced.

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

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

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Treatment facility" and "Treatment System" mean all structures which contain, convey, and as necessary, chemically or physically treat coal mine drainage, coal preparation plant process wastewater, or drainage from coal preparation plant associated areas, which remove pollutants regulated by this 40 CFR Part 434 from such waters. This includes all pipes, channels, ponds, basins, tanks and all other equipment serving such structures.

"Waste pile" means any non-containerized accumulation of solids, non-flowing waste that is used for treatment or storage.

"1-year, 2-year and 10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in one, two, and ten years respectively as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.