Effective Date:
Expiration Date:

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION TO DISCHARGE WASTEWATER FROM PETROLEUM-RELATED CORRECTIVE ACTIONS

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 application (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 application form.

In accordance with the antidegradation rule, OAC 3745-1-05, I have determined that a lowering of water quality in waters designated General High Quality Waters is necessary. Provision (D)(1)(d) of this rule applies to discharges covered under this permit. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other rule provisions, however, including public participation and appropriate intergovernmental coordination were required and considered prior to reaching this decision.

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 (see Part II).

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Chris Korleski
Director

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 discharges resulting from corrective actions of ground and/or surface water that has been exposed to gasoline and/or related petroleum products from a point source to waters of the state are unlawful, unless authorized by an NPDES permit. Entities with a wastewater discharge associated with petroleum-related corrective actions (see definition in Part VI of this permit; the definition is important because it explains the agency's characterization of wastewater associated with petroleum-related corrective actions) that is discharged 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 that submit a Notice of Intent application (NOI) 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. This permit may cover all new and existing point source discharges of wastewater associated with petroleum-related corrective actions to waters of the state, except as limited in paragraph 2 below.

2. Limitations on Coverage. The following wastewater discharges associated with petroleum-related corrective actions are not authorized by this permit:

a. wastewater discharges associated with petroleum-related corrective actions that are mixed with any other discharges that are not associated with petroleum-related corrective actions. Storm water that is not related to but is mixed with the discharge from the petroleum-related corrective action, during wet weather conditions, is not covered by this general permit. Storm water discharges are authorized separately by a storm water general permit;

b. wastewater discharges associated with petroleum-related corrective actions that are subject to an existing NPDES individual permit with a final effluent limitation and/or parameter that is not addressed by this general permit (see Part I.C.4.);

c. wastewater discharges associated with petroleum-related corrective actions that the Director has determined to be contributing to a potential violation of Ohio's surface Water Quality Standards;

d. wastewater discharges associated with petroleum-related corrective actions that are discharged to combined or sanitary sewer systems;

e. wastewater discharges associated with petroleum-related corrective actions that take place within five-hundred yards upstream of a public water supply surface water intake and cannot meet Ohio's public water supply standards;

f. wastewater discharges associated with petroleum-related corrective actions that are commingled with hazardous wastes or hazardous substances; and

g. new sources of wastewater associated with petroleum-related corrective actions to any receiving water designated Outstanding National Resource Water (ONRW), Outstanding State Water (OSW), Superior High Quality Water (SHQW) or Category 3 wetland, or to receiving waters that discharge into a water with one of these designations within two stream miles of the discharge point. New sources are those sources that began discharging after July 1, 1993 and have not been covered by an NPDES permit issued after July 1, 1993.

3. This permit may cover all eligible facilities, including those with a short-term, temporary, or emergency discharge. Facilities that discharge for a period of less than one month are still required to submit one set of monitoring data, including PAHs (see Part III.A.).

4. Waiver from Limitations on Coverage (monitoring or limits in an individual permit). The limitation clause in Part I.C.2.b. above may be waived if the applicant is convinced that the discharge is strictly petroleum-related in nature, and the existing effluent limitations (such as limits for total recoverable lead, benzene, ethylbenzene, or toluene) and/or monitoring of parameters (such as various additives or volatile or semi-volatile organics) in the individual permit that are not addressed in this general permit are no longer relevant. In that case, the permittee must provide technical justification to the Ohio EPA and request a waiver in the NOI application. On the NOI, under Section II, "Type of Activity", the permittee must write the words "WAIVER REQUESTED".

D. Authorization.

1. To be authorized to discharge under this general permit, dischargers of wastewater associated with petroleum-related corrective actions must submit an NOI in accordance with the requirements of Part II of this permit, using an NOI application form provided by the Director.

2. 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.

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

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

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

2. Persons with an existing discharge who intend to obtain coverage under this general permit shall submit an NOI 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 begin discharging wastewater associated with petroleum-related corrective actions after the effective date of this permit shall submit an NOI 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 the general permit is transferable. Ohio EPA must be notified in writing at least 60 days prior to any proposed transfer of the general permit. (See Part V.E. for transfer requirements.)

5. An operator of a facility with a wastewater discharge associated with a petroleum-related corrective action may submit an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1., II.A.2., or II.A.3. of this permit. In such instances, Ohio EPA may bring an enforcement action for any discharges of wastewater associated with petroleum-related corrective actions that have occurred on or after the dates specified in Parts II.A.1., II.A.2., or II.A.3.

B. 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. Failure to follow the NOI instructions may result in the NOI being returned to the applicant.

C. Where to Submit. Facilities that discharge wastewater associated with petroleum-related corrective actions must use an NOI form provided by the Ohio EPA. NOIs must be signed in accordance with Part V.D. of this permit. A check in the amount designated on the form, payable to "Treasurer, State of Ohio," must accompany the NOI form. NOIs are to be submitted to the Ohio EPA at the following address:

Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

D. Additional Notification. Facilities that discharge wastewater associated with petroleum-related corrective actions through a large or medium municipal separate storm sewer system (system located in an incorporated city with a population of 100,000 or more, or in a county identified as having a large or medium system (see definition in Part VI. of this permit)) shall, in addition to filing copies of the NOI in accordance with Part II.C., also submit signed copies of the NOI to the operator of the municipal separate storm sewer system through which they discharge in accordance with the deadlines in Part II.A. of this permit.

E. Renotification. In order to receive authorization to discharge beyond the date of expiration of the general permit (i.e. renew existing general permit), the permittee shall notify the Director of its intent to be covered by the new general permit (submit a new NOI) within 45 days after the effective date of the renewed general permit.

F. Notice of Termination (NOT). When all wastewater discharges associated with petroleum-related corrective actions that are authorized by this permit are eliminated, the operator of the facility must submit a Notice of Termination that is signed in accordance with Part V.D. of this permit.

1. The Notice of Termination shall include the information required by the NOT form and its instruction sheet, which can be found at the following internet website by clicking on "Applying for Coverage":

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

2. All Notices of Termination are to be sent, using the form provided by the Director, to the following address:

Ohio Environmental Protection Agency
General NPDES Permit Program
P.O. Box 1049
Columbus, Ohio 43216-1049

Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Low to Medium Hardness Watersheds. 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
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Month	Total	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Month	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	6.4	-	-	-	1/Month	Grab	All
22456 - PAHs - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly - Alt.
34010 - Toluene - ug/l	5	-	-	-	-	-	-	1/Month	Grab	All
34030 - Benzene - ug/l	5	-	-	-	-	-	-	1/Month	Grab	All
34371 - Ethylbenzene - ug/l	5	-	-	-	-	-	-	1/Month	Grab	All
81551 - Xylene, Total - ug/l	10	-	-	5	-	-	-	1/Month	Grab	All

Notes:

- This table shall be used by facilities discharging into receiving waters with low to medium hardness concentrations, located in the following watersheds:

. Conneaut Creek
. Ashtabula River
. Lake Erie tributaries between the Pennsylvania state line and the Black River
. Grand River
. Chagrin River
. Ohio River tributaries between Little Beaver Creek and Little Miami, excluding the Hocking River
. Mahoning River
. Cuyahoga River
. Muskingum River
. Rocky River

. Black River

- "Quarterly-Alt" monitoring months means that sampling is required during the months of March, June, September, and December.

Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. Medium to High Hardness Watersheds. 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 - 002 - 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
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Month	Total	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Month	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	21	-	-	-	1/Month	Grab	All
22456 - PAHs - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly - Alt.
34010 - Toluene - ug/l	5	-	-	-	-	-	-	1/Month	Grab	All
34030 - Benzene - ug/l	5	-	-	-	-	-	-	1/Month	Grab	All
34371 - Ethylbenzene - ug/l	5	-	-	-	-	-	-	1/Month	Grab	All
81551 - Xylene, Total - ug/l	10	-	-	5	-	-	-	1/Month	Grab	All

Notes:

- This table shall be used by facilities discharging into receiving waters with medium to high hardness concentrations, located in the following watersheds:

. Little Beaver Creek (Columbiana and Mahoning Counties)
. Vermillion River
. Lake Erie tributaries between the Michigan state line and the Black River
. Huron River
. Hocking River
. Ohio River tributaries between Little Miami River and Great Miami River
. Scioto River
. Little Miami River
. Maumee River
. Wabash River

- Mississinewa River
- Sandusky River
- Portage River
- Great Miami River
- Mill Creek (Cincinnati)

- "Quarterly-Alt" monitoring months means that sampling is required during the months of March, June, September, and December.

Part IV. SPECIAL CONDITIONS

A. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable standards or regulations.

B. Polycyclic Aromatic Hydrocarbons (PAHs) mean the sum of anthracene, benzo(a)anthracene, benzo(k)fluoranthene, 3,4-benzofluoranthene (benzo(b)fluoranthene), benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluorene, indeno(1,2,3-c,d)pyrene, naphthalene, phenanthrene, and pyrene.

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

D. 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.

E. It is understood by Ohio EPA that at the time permit OHU000004 becomes effective, an analytical method is not approved under 40 CFR 136 to comply with the xylene monitoring requirements included in the permit. For monitoring of xylenes, the permittee shall utilize one of the approved methods for benzene, toluene and ethylbenzene listed in 40 CFR 136.

F. Analytical Methods

The permittee shall use analytical procedures approved under 40 CFR 136 with MDLs (method detection levels) less than or equal to those listed below to comply with the monitoring requirements for the following parameters:

Parameter	MDL (ug/l)
Lead - limit of 6.4 ug/l	2.1
Lead - limit of 21 ug/l	7.0
Toluene	1.7
Benzene	1.7
Ethylbenzene	1.7

G. Approval Treatment Additives

The permittee shall obtain approval from Ohio EPA prior to the use of any treatment additive for any petroleum-related corrective action covered under this general permit. With the request, the permittee shall submit the following information to Ohio EPA's Central Office:

1. a description of the additive and an explanation of its proposed usage;
2. the Material Data Safety Sheet (MSDS) for the additive;
3. aquatic toxicity data for the additive, for at least two species. This data should include one 48-hour LC50 or EC50 (if adverse effects other than lethality are evident) value determined by acute toxicity tests using a Daphnid species and at least one 96-hourLC50 or EC50 value determined by acute toxicity tests using a fish species;
4. the concentration of the additive to be used; and
5. the expected discharge concentration of the additive to State surface waters, using a mass-balance calculation.

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 termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

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 permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

b. 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. Coverage under an expired general permit continues in force and effect until a new general permit is issued provided the NOI 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 Notices of Intent, Notices of Termination, reports, certifications or information either submitted to the Director (and/or the operator of a municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs 1 through 2a.

1. All Notices of Intent and Notices of Termination 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 and who has authority to sign documents on behalf of 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 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 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.

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. 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 central office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA central 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 Ohio EPA central office within sixty 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 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 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 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 general permit shall automatically terminate. 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 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 last day of the period specified for application submittal. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.

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 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 individual NPDES 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. If an individual permit holder believes the discharge could be covered by this general permit, the owner or operator must submit a NOI (see Part II C) for coverage under this general permit and request 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. Other Laws. No condition of this permit shall release the permittee from any responsibility or requirements under other 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 municipal separate storm sewer, 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. 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. For definition of "upset," see Part VI., Definitions.

2. An upset constitutes an affirmative defense to an action brought for non-compliance with a technology-based permit effluent limit if the requirements of paragraph I.3. 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.

3. 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 occured and that the permittee can identify 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 Part V., paragraph S of this permit; and,
d. the permittee complied with any remedial measures required under Part V., paragraph T of this permit.

4. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proving the conditions of paragraphs I.3.a through I.3.d.

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 submitted on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center e-DMR information is found on the following web page:

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

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

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

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

b. For partnerships - a general partner;

c. For a sole proprietorship - the proprietor; or

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

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

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

3. DMRs submitted via e-DMR shall be transmitted to Ohio EPA by the 20th day of the month following the month-of-interest. Paper DMRs shall be received by Ohio EPA no later than the 15th day of the month following the month-of-interest. The original signed paper DMR form shall be mailed to:

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

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

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

6. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Part IV.O., 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 EPA 4500);
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; and
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.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period 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, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

R. Unauthorized Discharges.

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

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of 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 R.2. of this section.

2. Prior Notice

a. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.
b. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph S.2.

3. The Director may approve an anticipated 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 Part V.S.

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. These bypasses are not subject to the provisions of paragraphs R.1. and R.2.

S. Noncompliance Notification.

1. Exceedance of a Daily Maximum Discharge Limit

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

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

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

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

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

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

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

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

i. The name of the permittee, and a contact name and telephone number;
ii. The limit(s) that has been exceeded;
iii. The extent of the exceedance(s);
iv. The cause of the exceedance(s);
v. The period of the exceedance(s) including exact dates and times;
vi. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,
vii. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

2. Other Permit Violations

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

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

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

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

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

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

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

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

i. The name of the permittee, and a contact name and telephone number;
ii. The time(s) at which the discharge occurred, and was discovered;
iii. The approximate amount and the characteristics of the discharge;
iv. The stream(s) affected by the discharge;
v. The circumstances which created the discharge;
vi. The name and telephone number of the person(s) who have knowledge of these circumstances;
vii. What remedial steps are being taken; and,
viii. The name and telephone number of the person(s) responsible for such remedial steps.

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

3. When the telephone option is used for the noncompliance reports required by S.1. and S.2., the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

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

a. The compliance event which has been or will be violated;
b. The cause of the violation;
c. The remedial action being taken;
d. The probable date by which compliance will occur; and,
e. The probability of complying with subsequent and final events as scheduled.

5. The permittee shall report all other instances of permit noncompliance not reported under paragraphs S.1. or S.2. of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs S.1. or S.2. as appropriate.

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

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 termination. 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 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 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.

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).

b. That any activity has occurred or will occur that would result in the discharge on a non-routine or infrequent 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. Permit 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;
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.F. for requirements regarding Notice of Termination (NOT).

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

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.

AH. Permit-to-Install Required

A Permit-to-Install (PTI) is required by OAC 3745-31-02 in order to install or modify treatment/disposal systems, including systems to treat water from petroleum-related corrective actions. The approval of coverage under this general permit shall in no way be construed as approval of detail plans or a PTI. The approval of a PTI does not preclude a facility from obtaining an NPDES permit. Discharges to surface waters require an effective NPDES permit, including those discharges from systems for which a PTI was obtained.

Part VI - DEFINITIONS

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

"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 load limitations" 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.

"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.

"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.

"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 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".

"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 that 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.

"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.F. of this permit).

"Petroleum-related corrective actions" includes, but is not limited to, the discharge of one or more of the following:
- ground and/or surface water from remediation systems;
- surface and/or ground water accumulating as a result of excavation activity; surface water and ground water contaminated by spills; or
ground water resulting from pumping and/or monitoring aquifer(s).
All of the previously mentioned discharges must be resulting from any corrective actions involving above-ground or underground storage tanks used to store gasoline, diesel fuel, kerosene, jet fuel, or heating oil, or the transportation of these materials.

"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.

"Process Wastewater" is water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, waste product, or wastewater.

"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.

"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.

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

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

"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.

"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.

"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.

"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 or 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 limitations" 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.