Application No. OH0135372

Issue Date: November 7, 2008

Effective Date: December 1, 2008

Expiration Date: November 30, 2013

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

American Municipal Power - Ohio, Inc. (AMP-Ohio)

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the American Municipal Power Generating Station and associated operations located at State Route 124, Letart Falls, Ohio, Meigs County and discharging to the Ohio River, John's Run and unnamed tributaries of the Ohio River in accordance with the conditions specified in Parts I, II, III, IV, V and VI of this permit.

I have determined that a lowering of water quality in the Ohio River is necessary. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the area in which the water body is located.

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

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

Laura H. Powell
Assistant Director

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

1. During the period beginning on the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IB00037001. See Part II, OTHER REQUIREMENTS, for the location of the permitted outfall and the location to sample/monitor the effluent..

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
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Week	Grab	All
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Week	24hr Composite	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00719 - Cyanide, Free - mg/l	0.044	-	-	-	0.136	-	-	1/Week	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00978 - Arsenic, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00982 - Thallium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	33	-	-	-	0.102	-	-	1/Week	24hr Composite	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
50060 - Chlorine, Total Residual - mg/l	0.2	-	-	-	-	-	-	1/Day	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	12	0.00525	-	0.000038	1/Month	Grab	All

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring	Sampling	Monitoring
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Type	Months
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	1.0	-	-	-	-	-	-	1/2 months	24hr Composite	Bimonthly-Od
61427 - Acute Toxicity, Pimephales promelas - TUa	1.0	-	-	-	-	-	-	1/2 months	24hr Composite	Bimonthly-Od
78739 - Chlorination/Bromination Duration - Minutes	120	-	-	-	-	-	-	1/Day	24hr Total	All

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Notes for Station Number 0IB00037001:

- Sampling shall be performed when discharging. If no sample is collected because of no discharge or for any other reason, see part II, Item M for the appropriate instructions and codes to use on the monthly reports.
- * Effluent loadings based on average design flow of 0.82 MGD average and 1.9 MGD maximum.
- Bimonthly-odd means that sampling is required in the months of January, March, May, July, September and November.
- Mercury - See Part II, Item K.
- Cyanide- See Part II, Item J.
- See Part II, Item L (Requirements to Post a Sign at the Outfall)
- Quarterly monitoring months- March, June, August and December

- Total Residual Chlorine - Sampling shall be conducted during the period that chlorinated wastewater is being discharged. Analytical testing for chlorine shall be conducted using methods that have quantification levels at or below the effluent limit.

2. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IB00037002. See Part II, OTHER REQUIREMENTS, for the location of the permitted outfall and the location to sample/monitor the effluent..

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
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	When Disch.	Grab	All
00530 - Total Suspended Solids - mg/l	50	-	-	-	-	-	-	When Disch.	Multiple Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

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Notes for Station Number 0IB00037002:

- Sampling shall be performed when discharging. If no sample is collected because of no discharge or for any other reason, see part II, Item M for the appropriate instructions and codes to use on the monthly reports.
- Multiple Grab shall be three grab samples collected every two hours. The first sample shall be collected within one hour of the begining a discharge as a result of dredging activity. The highest value shall be reported.
- When discharging means a sample every day there is a discharge as a result of dredging activity. When dredging has stopped, when discharging means at least one sample a month during a day there is a discharge.
- See Part II, Item L (Requirements to Post a Sign at the Outfall)

3 . During the period beginning on the effective date of this permit and lasting until the expiration date , the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IB00037601. See Part II, OTHER REQUIREMENTS, for the location of the permitted outfall and the location to sample/monitor the effluent.

Table - Internal Monitoring Station - 601 - 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
00400 - pH - S.U.	9.0	6.0	-	-	-	-	-	1/Week	Grab	All
00530 - Total Suspended Solids - mg/l	50	-	-	20	24	-	9.6	1/Week	24hr Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	20	-	-	15	9.6	-	7.2	1/Week	Grab	All
00978 - Arsenic, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00982 - Thallium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

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Notes for monitoring station 0IB00037601

-- Sampling shall be performed when discharging. If no sample is collected because of no discharge or for any other reason, see part II, Item M for the appropriate instructions and codes to use on the monthly reports.
-- See part II, Item R regarding installation and operation of treatment equipment to reduce the discharge of mercury at this outfall.

4. During the period beginning on the effective date of this permit and lasting until the expiration date , the permittee is authorized to discharge from outfalls 0IB00037003, 0IB00037004, 0IB00037005, 0IB00037006, 0IB00037007, 0IB00037008, 0IB00037009, 0IB00037010. See Part II, OTHER REQUIREMENTS, for the location of the permitted outfall and the location to sample/monitor the effluent.

UPSTREAM MONITORING REQUIREMENTS

2. Upstream Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date , the permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 0IB00037801, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Upstream Monitoring - 801 - 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
61432 - 48-Hr. Acute Toxicity Ceriodaphnia dubia - % Affected	-	-	-	-	-	-	-	1/2 months	Grab	Bimonthly-Od
61435 - 96-Hr. Acute Toxicity Pimephales promela - % Affected	-	-	-	-	-	-	-	1/2 months	Grab	Bimonthly-Od

NOTES for Station Number 0IB00037801:

- Bimonthly-odd means that sampling is required in the months of January, March, May, July, September and November.

Part II, OTHER REQUIREMENTS

A. Descriptions of the location of the permitted discharge outfalls and required effluent sampling/monitoring stations are as follows:

Permitted Outfall or Effluent Sampling/ Monitoring Station	Description of Permitted Outfall or Effluent Sampling/ Monitoring Location
0IB00037001	Final effluent, cooling tower blowdown, RO reject and treated process wastewater (601)
.	Discharge to the Ohio River
.	(Lat: 38 N 54 ' 27 "; Long: 81 W 55 ' 6 ")
0IB00037002	Final effluent from dredgings treatment pond .
.	Discharge to the Ohio River
.	(Lat: 38 N 53 ' 55 "; Long: 81 W 55 ' 21 ")
0IB00037003	Discharge from Sedimentation Pond-Storm water from the plant
.	area . Discharge to the Ohio River
.	(Lat: 38 N 54 ' 10 "; Long: 81 W 55 ' 16 ")
0IB00037004	Storm water from the southwestern undeveloped area of the site.
.	Discharge to unnamed tributary to the Ohio R.
.	(Lat: 38 N 53 ' 55 "; Long: 81 W 55 ' 22 ")
0IB00037005	Storm water from the southeastern undeveloped area of the site.
.	Discharge to unnamed tributary to the Ohio R
.	(Lat: 38 N 53 ' 33 "; Long: 81 W 54 ' 41 ")

0IB00037006	Storm water from the northeastern undeveloped area of the site.
.	Discharge to unnamed tributary to the Ohio R
.	(Lat: 38 N 54 ' 14 "; Long: 81 W 54 ' 44 ")
0IB00037007	Sedimentation Pond Discharge. Storm water from the northern part
.	of the solid waste landfill.
.	Discharge to unnamed trib. to the Ohio R.
.	(Lat: 38 N 53 ' 59 "; Long: 81 W 53 ' 42 ")
0IB00037008	Sedimentation Pond Discharge. Storm water from the eastern part
.	of the solid waste landfill.
.	Discharge to unnamed trib. of John's Run
.	(Lat: 38 N 53 ' 37 "; Long: 81 W 53 ' 19 ")
0IB00037009	Sedimentation Pond Discharge. Storm water from the southern part
.	of the solid waste landfill.
.	Discharge to unnamed trib. of John's Run
.	(Lat: 38 N 53 ' 24 "; Long: 81 W 53 ' 43 ")
0IB00037010	Sedimentation Pond Discharge. Storm water from the western part
.	of the solid waste landfill.
.	Discharge to unnamed trib to the Ohio R.
.	(Lat: 38 N 53 ' 53 "; Long: 81 W 53 ' 49 ")
0IB00037601	Low volume wastewater treatment system including discharge from
.	coal pile runoff treatment system prior to mixing with cooling tower
.	blowdown.
0IB00037801	Ohio River upstream of plant discharges (001 and 002) .

B. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

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

http://www.epa.state.oh.us/dsw/policy/policy_index.html.

D. Permit limitations may be revised in order to meet water quality standards after a stream use determination and waste load allocation are completed and approved. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable water quality effluent limitations.

E. There shall be no detectable amount of any priority pollutant attributable to cooling tower maintenance chemicals in the cooling tower blowdown wastewater.

F. There shall be no discharge of polychlorinated biphenyl compounds attributable to the permittee's operations.

G. There shall be no discharge of chemical metal cleaning wastewaters.

H. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the wastewater flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's monitored discharge.

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

J. It is understood by Ohio EPA that at the time permit 0IB00037*AD becomes effective, an analytical method is not approved under 40 CFR 136 to evaluate compliance with the free cyanide effluent limitations included in the permit. The permittee shall utilize method 4500-CN I in the 18th, 19th or 20th edition of Standard Methods.

K. The permittee shall use either EPA Method 1631 or EPA Method 245.7 promulgated under 40 CFR 136 to comply with the influent and effluent mercury monitoring requirements of this permit.

L. Not later than 2 months from the date a discharge will occur from an outfall, the permittee shall post a permanent marker on the stream bank at outfalls 001, 002 and 010 that is regulated under this NPDES permit. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall be not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that.

M. Monitoring/Reporting Requirements and Reporting Codes for Outfalls

1) If no discharge occurs during the entire month:
a) Report "AL" in the first column of the first day of the month on Form 4500. The AL code is only valid for reports submitted on paper. DO NOT USE THIS CODE in e-DMR. If no discharge occurred for the full monitoring period, select the No Discharge check box at the top of the e-DMR form.; and
b) Enter "No discharge during the month" in the Remarks Section of the Form 4500; and
c) Do not report "0" or use any other codes other than "AL"; and
d) Sign the Form 4500

2) If there are no discharges on one or more required monitoring days during the month:
a) Enter the required monitoring data for the days when a discharge occurred;
b) For each required monitoring day there was no discharge, do not enter "0" for flow. Enter code "AC" for each parameter for each monitoring day the facility was not discharging.

3) If no sample is taken on a required monitoring day, use these codes if applicable:
a) Use the "AN" or the "AH" codes. Use the "AN" code to indicate when samples are not collected on days that the facility is not normally staffed. The use of this code is limited to Saturdays, Sundays, and officially recognized municipal holidays if the treatment plant is not normally staffed on those days and staff are needed for sampling. This code is only acceptable for parameters that are sampled daily, but cannot be used if continuous monitoring and recording is used, e.g. flow metering, continuous pH or temperature monitoring. For parameters sampled at a lesser frequency, the sampling date should be moved to a date when the facility is staffed. Enter code "AN" for each parameter for each monitoring day the facility was not staffed.

b) Use the "AH" code when a required sample is not taken for a reason other than one covered by another "A" code. An explanation as to why the sample was not taken must be entered as a Specific Comment for that parameter and date on eDMR or in the Remarks Section of the form 4500. Enter code "AH" for each parameter for each monitoring day a sample was not taken.

c) Data Substitution Codes (a.k.a. "A Codes") are used to explain data values that deviate from data that would normally occur. The Data Substitution Codes used on the Monthly Operating Report form or eDMR are as follows:

AA - Below Detectable Limit
AB - Analytical Data Lost
AC -Facility Not Discharging (or No Sludge Hauled)
AD - Automatic Analyzer Out of Service
AE - Analytical Data Not Valid
AF - Sample Site Inaccessible Due to Flooding or Freezing
AH - Sample Not Taken, Explanation Included
AJ - Above Range of Automatic Analyzer
AK - Biological Sample Too Numerous to Count
AL - No Discharge For the Month
AN - Sample Not Taken, Plant Not Normally Staffed (Saturdays, Sundays, and Holidays)

More detailed information about the A Codes is available at:
http://www.epa.state.oh.us/dsw/swims/eDMR/eDMRaCodes.pdf .

d) For more detailed information about the Monthly Operating Report form, see the EPA-4500 How To Booklet available on Ohio EPA's website at:
http://www.epa.state.oh.us/dsw/permits/MORGuidance.html .

N. Monitoring Report Name Change

The name of the monitoring reports required for each effluent table contained in this permit has been changed from "Monthly Operating Report" (MOR) to "Discharge Monitoring Report" (DMR). The circumstances requiring the submittal of a DMR remain the same as those which were required for an MOR. Form 4500 must be used for DMR submittal.

O. Intake Structure

1. The intake structure shall be designed and constructed as specified in the NPDES application. The design of this structure is Best Technology Available. The cooling water intake shall be commensurate with that which can be attained by a closed-cycle recirculating cooling water system. The maximum daily intake flow at this intake structure shall be no more than 18 MGD.

2. The through-screen intake velocity of water withdrawals at the cooling water intake structure shall be no more than 0.4 feet per second.

3.The permittee shall design, construct, and install wedgewire screens to minimize impingement of fish.

4. There shall be no discharge of debris from intake screen washing operations, which will settle to form objectionable deposits, which is in amounts sufficient to be unsightly or deleterious, or which will produce colors or odors constituting a nuisance.

5. Biological monitoring. The permittee must monitor both impingement and entrainment of the commercial, recreational, and forage base fish and shellfish identified in the Source Water Baseline Biological Characterization (or Characterization) required by 40 CFR 122.21(r)(3). The monitoring methods used must be consistent with those used in developing the Characterization."

"(a) Impingement sampling. The permittee must collect samples over a 24-hour period once per month to monitor impingement rates for each species identified in the Characterization while the cooling water intake structure is in operation."

"(b) Entrainment sampling. The permittee must collect samples over a 24-hour period at a frequency of biweekly (once every two weeks) to monitor entrainment rates for each species during the primary period of reproduction, larval recruitment, and peak abundance identified in the Characterization. Sampling must take place while the cooling water intake structure is in operation.

6. Velocity monitoring. If the facility uses surface intake screens systems, the permittee must monitor head loss across the screens and correlate the measured value with the design intake velocity. The head loss across the intake screen must be measured at the minimum ambient surface water elevation of the Ohio River. If the facility uses devices other than surface intake screens, velocity must be measured at the point of entry through the device. Head loss or velocity must be measured at intial facility startup and once per week, thereafter.

7. Visual or remote inspections. The permittee shall conduct visual inspections or employ remote monitoring devices to ensure that any design and construction technologies employed to minimize impingement and/or entrainment are properly maintained and operated, and are functioning as designed. Inspections must take place at a frequency of no less than once per week.

8. The permittee shall submit to the Director an annual status report which contains the results of biological monitoring, velocity and head loss monitoring, and visual or remote inspections for the cooling water intake structure.

P. Toxicity Testing Requirements

The permittee shall initiate an effluent biomonitoring program to evaluate compliance with the whole effluent toxicity limits of 1.0 TUa at outfall 0IB00037001.

General Requirements

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

Testing Requirements

1. Acute Bioassays

The permittee shall conduct biomonthly acute toxicity tests using Ceriodaphnia dubia and fathead minnows (Pimephales promelas) on effluent samples from outfall 0IB00037001 . These tests shall be conducted as specified in Section 2 of the biomonitoring guidance.

2. Data Review

a. Reporting

Following completion of each bioassay test requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1. and 2.H.2.b. of the biomonitoring guidance. Ohio EPA will evaluate the results
in order to judge compliance with the whole effluent toxicity limitations of 1.0TUa at outfall 0IB00037001. In addition, this permit may be modified to require additional biomonitoring or to require further investigation of toxicity.

b. Definitions

TUa = Acute Toxic Units = 100/LC50

Q. The permittee shall adhere to the following procedure for the treatment of chemical metal cleaning wastewater (chemical metal cleaning wastewater refers to those operations using chemical compounds for the cleaning of any metal process equipment including; but not limited to, boiler tube cleaning):

1. Notify the Ohio EPA Southeast District Office at least two weeks prior to the date of an anticipated chemical cleaning operation and type of cleaning compound(s) to be used. Any change in schedule or cleaning compound shall be reported as soon as possible.

2. Chemical metal cleaning wastewater, including rinses, shall be pumped to on-site holding tanks (spill control shall be provided for these holding tanks). If the wastewater is a hazardous waste as defined in ORC 3734.01 (J) then it will be hauled off-site for disposal at an approved hazardous waste facility. If the wastewater is not a hazardous waste as defined in ORC 3734.01(J) then it can be burned by injection into an operating boiler upon receipt of written approval from the Ohio EPA Division of Air Pollution Control. If the permittee wants to treat the wastewater in the onsite industrial wastewater treatment system this can only be done with the approval of Ohio EPA and applicable federal effluent limitations in CFR 423.15 have to be met .

3. Submit a report to Ohio EPA within 14 days after the wastewater is either burned in an operating boiler or hauled off site to an approved disposal facility which includes the following:

a. Estimated volume of chemical metal cleaning waste including rinse water.
b. If the wastewater was burned in an operating boiler, indicate the date and time the wastewater was burned and into what boiler the wastewater was injected.
c. If the wastewater was hauled off site, identify the hauler, and indicate that the wastewater was manifested.
d. Any unusual events occurring during the chemical metal cleaning and the treatment period.

R. Treatment for Mercury at outfall 601

Before any discharge of pollutants from outfall 601 the permittee shall install treatment equipment for reduction of discharges of mercury at outfall 601 as described in the October 20, 2008 amendment to the NPDES application. The treatment system shall be installed in accordance with detailed engineering plans approved by the director of Ohio EPA.

After the treatment system is installed it shall remain in operation at all time, unless the director approves a bypass of the treatment process in accordance with an approved operational plan. The operational plan shall include the conditions under which the discharger wants to bypass the treatment process.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

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

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specificially identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specificially identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specificially identified otherwise.

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

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

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

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

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

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

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

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

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

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

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

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

C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit shall be submitted 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 is found on the following web page:

http://www.epa.state.oh.us/dsw/swims/eDMR/eDMR.html

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

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

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

2. For partnerships - a general partner;

3. For a sole proprietorship - the proprietor; or,

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

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

http://www.epa.state.oh.us/dsw/swims/eDMR/eDMRpin.html

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest:

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

D. Regardless of the submission method, a copy of the submitted Ohio EPA 4500 DMR must be signed by a Responsible Official or a Delegated Responsible Official and maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, a copy of the DMR can be printed from e-DMR.

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

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

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

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

B. The person(s) who performed the sampling or measurements;

C. The date the analyses were performed on those samples;

D. The person(s) who performed the analyses;

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

A. All sampling and analytical records (including internal sampling data not reported);

B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

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

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

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

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

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. 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

3. The permittee submitted notices as required under paragraph D. of this section,

B. 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.

C. 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 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. 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.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

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

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

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

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

http://www.epa.state.oh.us/dsw/permits/permits.html

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

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

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

a. The name of the permittee, and a contact name and telephone number;

b. The limit(s) that has been exceeded;

c. The extent of the exceedance(s);

d. The cause of the exceedance(s);

e. The period of the exceedance(s) including exact dates and times;

f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,

g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

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

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

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

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

http://www.epa.state.oh.us/dsw/permits/permits.html

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

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

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

a. The name of the permittee, and a contact name and telephone number;

b. The time(s) at which the discharge occurred, and was discovered;

c. The approximate amount and the characteristics of the discharge;

d. The stream(s) affected by the discharge;

e. The circumstances which created the discharge;

f. The name and telephone number of the person(s) who have knowledge of these circumstances;

g. What remedial steps are being taken; and,

h. The name and telephone number of the person(s) responsible for such remedial steps.

2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.

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

D. If the 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:

1. The compliance event which has been or will be violated;

2. The cause of the violation;

3. The remedial action being taken;

4. The probable date by which compliance will occur; and,

5. The probability of complying with subsequent and final events as scheduled.

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

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

13. RESERVED

14. DUTY TO MITIGATE

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

15. AUTHORIZED DISCHARGES

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

16. DISCHARGE CHANGES

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

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

B. For publicly owned treatment works:

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

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

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

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

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

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

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

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

17. TOXIC POLLUTANTS

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

18. PERMIT MODIFICATION OR REVOCATION

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

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

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

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

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

19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

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

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

21. SOLIDS DISPOSAL

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

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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

23. CIVIL AND CRIMINAL LIABILITY

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

24. STATE LAWS AND REGULATIONS

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

25. PROPERTY RIGHTS

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

26. UPSET

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

27. SEVERABILITY

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

28. SIGNATORY REQUIREMENTS

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

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

29. OTHER INFORMATION

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

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

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

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

30. NEED TO HALT OR REDUCE ACTIVITY

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

31. APPLICABLE FEDERAL RULES

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

32. AVAILABILITY OF PUBLIC SEWERS

Not withstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan (plan) shall be developed to address each outfall that discharges to waters of the state that contains storm water associated with industrial activity. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. The plan for a storm water discharge associated with industrial activity:

    a. shall be prepared at least six months prior to start-up of the first boiler (and updated as appropriate);
    b. shall provide for implementation and compliance with the terms of the plan within twelve months prior to start-up of the first boiler.

2. Upon a showing of good cause, the Director may establish a later date for preparing and compliance with a plan for a storm water discharge associated with industrial activity.

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part VI, 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 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 (such as provided for in Part IV.D.7.b.(8) of this permit). An interested party wishing a copy of a discharger's SWP3 will have to contact the Ohio EPA to obtain a copy.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State 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 discharges associated with industrial activity. 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.

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:

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

a. Drainage.

(1) A site map indicating an outline 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; 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 years 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 following 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:

a. Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.

b. Preventive 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 - Areas 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.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

d. Inspections - In addition to or as part of the comprehensive site evaluation required under Part IV.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 components 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 or 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 the site. A discharger that is unable to provide the certification required by this paragraph must notify in accordance with Part IV.A of this permit.

(2) Except for flows from fire fighting activities, sources of non-storm water listed in Part VI of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

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.

i. Management of Runoff - The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Parts IV.D.2.(b), (d) and (e) of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: including vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, except as provided in paragraph IV.D.4.d, 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 needed to implement the plan, such as spill response equipment, shall be made.

D. (continued)

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 VI.B 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 receives 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 into the storm water pollution prevention plan.

7. Additional requirements for storm water discharges associated with industrial activity from facilities subject to SARA Title III, Section 313 requirements are not applicable to Section 313 water priority chemicals in gaseous or non-soluble liquid or solid [at atmospheric pressure and temperature] forms. In addition to the requirements of Parts IV.D.1 through 4 of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as "Section 313 water priority chemicals" in accordance with the definition in Part VI of this permit, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:

   a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

      (1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
      (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water, and wind blowing.

   b. In addition to the minimum standards listed under Part IV.D.7.a of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:

      (1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.

         (a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

         (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

(2) Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind blowing shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.

(3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

(4) In facility areas where Section 313 water priority chemicals are transferred, processed or otherwise handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall be designed as described in paragraphs (a), (b) and (c) of this section. Additional protection such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system, and overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

(5) Discharges from areas covered by paragraphs (1), (2), (3) or (4).

(a) Drainage from areas covered by paragraphs (1), (2), (3) or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

(6) Facility site runoff other than from areas covered by (1), (2), (3) or (4). Other areas of the facility (those not addressed in paragraphs (1), (2), (3) or (4)), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

Part IV. STORM WATER POLLUTION PREVENTION PLANS (continued)

D. (continued)

(7) Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage area shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or non-containment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or non-containment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

(8) Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel using the facility shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

8. Additional Requirements for Salt Storage. Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to surface waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile within two years of the effective date of this permit. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the State.

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. RESERVED.

B. Monitoring Requirements. Only the activities described in the following matrix and associated definitions are required to conduct monitoring. The monitoring required in the following matrix shall be conducted annually. Monitoring shall be initiated within twelve months of the effective date of this permit and henceforth on an annual basis, weather conditions permitting. A permittee may, in lieu of annual monitoring, certify that industrial materials are not exposed to storm water; such certification shall be submitted to the Ohio EPA upon request of the Director.

1. MONITORING REQUIREMENTS MATRIX

Reporting Units	Parameter	INDUSTRIAL ACTIVITY CATEGORIES											
		a	b[1,3]	c	d	e	f	g	h	i[2]	j	k	l[1]
mg/l	Oil and Grease		X	X	X	X	X	X	X	X	X	X	X
mg/l	5-day Biochemical Oxygen Demand		X							X		X	
mg/l	Chemical Oxygen Demand		X	X	X	X	X		X	X			X
mg/l	Total Suspended Solids		X		X	X	X	X	X	X	X	X	X
mg/l	Total Kjeldahl Nitrogen			X								X	
mg/l	Phosphorus											X	
S.U.	pH		X	X	X	X	X	X	X	X	X	X	X
TU_a	Acute Toxicity												
Hours	Duration of Storm Event		X	X	X	X	X	X	X	X	X	X	X
Inches	Precipitation		X	X	X	X	X	X	X	X	X	X	X
Hours	Duration Between Storm Events*		X	X	X	X	X	X	X	X	X	X	X
Gallons	Volume (est)		X	X	X	X	X	X	X	X	X	X	X
mg/l	Nitrate-Nitrogen												
mg/l	Nitrite-Nitrogen												
µg/l	Lead, Total		X	X					X				
µg/l	Cadmium, Total		X[3]	X									
µg/l	Copper, Total		X[3]				X	X	X		X		
µg/l	Arsenic, Total		X[3]	X			X						
µg/l	Chromium, Total		X[3]	X			X						
mg/l	Ammonia												
µg/l	Magnesium, Total			X									

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

B. (continued)

Reporting Units	Parameter	INDUSTRIAL ACTIVITY CATEGORIES											
		a	b[1,3]	c	d	e	f	g	h	i[2]	j	k	l[1]
µg/l	Magnesium, Dissolved			X									
mg/l	Total Dissolved Solids			X									
mg/l	Total Organic Carbon			X									
µg/l	Barium, Total			X									
mg/l	Cyanide, Total			X									
µg/l	Mercury, Total			X									
µg/l	Selenium, Total			X									
µg/l	Silver, Total			X									
µg/l	Pentachlorophenol				X								
µg/l	Nickel, Total							X			X		
µg/l	Zinc, Total							X			X		
#/100ml	Fecal Coliform											X	

* Time between the storm event when sampling is being conducted and the last storm event producing rainfall greater than 0.1 inches.
(1) and any pollutant limited in an effluent guideline or categorical pretreatment standard which the facility is subject.
(2) and the primary ingredient used in the deicing materials used at the site (e.g., ethylene glycol, urea, etc.).
(3) Facilities that are classified as SIC 33 only because they manufacture pure silicon and/or semiconductor grade silicon are not required to monitor for this parameter.

2. Industrial Activity Categories Definitions

a. Section 313 of SARA Title III Facilities. As of the effective date of this permit, facilities with storm water discharges associated with industrial activity that are subject to requirements to report releases into the environment under Section 313 of SARA Title III for chemicals which are classified as 'Section 313 water priority chemicals' are not (as they may have been in a previous permit) required to monitor storm water that is discharged from the facility unless required by paragraphs V.B.2.b through B.2.l.

b. Primary Metal Industries. Facilities with storm water discharges associated with industrial activity classified as Standard Industrial Classification (SIC) 33 (Primary Metal Industry) are required to monitor such storm water that is discharged from the facility.

c. Land Disposal Units/Incinerators/BIFs. Facilities with storm water discharges associated with industrial activity from any active or inactive landfill, land application sites or open dump without a stabilized final cover that has received any industrial wastes from a facility with a Standard Industrial Classification (SIC) of between 20-39 (manufacturing); and incinerators (including Boilers and Industrial Furnaces (BIFs)) that burn hazardous waste and operate under interim status or a permit under Subtitle C of RCRA, are required to monitor such storm water that is discharged from the facility.

d. Wood Treatment Using Chlorophenolic Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.

e. Wood Treatment Using Creosote Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

B. (continued)

f. Wood Treatment Using Chromium-Arsenic Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.

g. Coal Pile Runoff. Facilities with storm water discharges associated with industrial activity from coal pile runoff are required to monitor such storm water that is discharged from the facility.

h. Battery Reclaimers. Facilities with storm water discharges associated with industrial activity from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation (including material handling activities) at facilities that reclaim lead acid batteries are required to monitor such storm water that is discharged from the facility.

i. Airports. At airports with over 50,000 flight operations per year, facilities with storm water discharges associated with industrial activity from areas where aircraft or airport deicing operations occur (including runways, taxiways, ramps, and dedicated aircraft deicing stations) are required to monitor such storm water that is discharged from the facility.

j. Coal-fired Steam Electric Facilities. Facilities with storm water discharges associated with industrial activity from coal handling sites at coal fired steam electric power generating facilities (other than discharges in whole or in part from coal piles subject to storm water effluent guidelines at 40 CFR 423 - which are not eligible for coverage under this permit) are required to monitor such storm water that is discharged from the facility.

k. Animal Handling / Meat Packing. Facilities with storm water discharges associated with industrial activity from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas that are exposed to precipitation at meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils, are required to monitor such storm water that is discharged from the facility.

l. Additional Facilities. Facilities with storm water discharges associated with industrial activity that:

(1) come in contact with storage piles for solid chemicals used as raw materials that are exposed to precipitation at facilities classified as SIC 30 (Rubber and Miscellaneous Plastics Products) or SIC 28 (Chemicals and Allied Products);

(2) are from those areas at automobile junkyards with any of the following: (A) over 250 auto/truck bodies with drivelines (engine, transmission, axles, and wheels), 250 drivelines, or any combination thereof (in whole or in parts) are exposed to storm water; (B) over 500 auto/truck units (bodies with or without drivelines in whole or in parts) are stored exposed to storm water; or (C) over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water;

(3) come into contact with lime storage piles that are exposed to storm water at lime manufacturing facilities;

(4) are from oil handling sites at oil fired steam electric power generating facilities;

(5) are from cement manufacturing facilities and cement kilns (other than discharges in whole or in part from material storage piles subject to storm water effluent guidelines at 40 CFR 411 - which are not eligible for coverage under this permit);

(6) are from ready-mixed concrete facilities; or

(7) are from ship building and repairing facilities;

are required to monitor such storm water discharged from the facility.

Part V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

B. (continued)

3. Sample Type. Take a minimum of one grab sample from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable.

4. Sampling Waiver. When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

5. Representative Discharge. When a facility has two or more outfalls that, based on a consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

C. Toxicity Testing. Not Required.

D. Alternative Certification of "Not Present or No Exposure." You are not subject to the analytical monitoring requirement of this part provided: you make a certification for a given outfall, or on a pollutant-by-pollutant basis in lieu of monitoring required under this part, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period; and your certification is signed in accordance with Attachment VI.G and retained in the SWP3. If you cannot certify for an entire period, you must note the date exposure was eliminated and perform any monitoring required up until that date.

Part VI. OTHER STORM WATER REQUIREMENTS, DEFINITIONS AND AUTHORIZATION

A. Failure to Certify. Any facility that is unable to provide the certification required under paragraph IV.D.3.g.(1) (testing for non-storm water discharges), must notify the Director within 180 days of the effective date of this permit. Such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible.

B. Signatory Requirements. See Part III.28.

C. Definitions.

"Section 313 water priority chemical" means a chemical or chemical categories which are: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the Act at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: 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 III 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 spills" 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.

"Definition of Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, 373;

Part VI. OTHER STORM WATER REQUIREMENTS, DEFINITIONS AND AUTHORIZATION (continued)

C. (continued)

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity - This category of industrial activity is not regulated under this permit.

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (ii)-(x)).

"SWPPP" means storm water pollution prevention plan to be completed as a condition of this permit (see Part IV of this permit).

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

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

"10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40,", May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

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

"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.

Ohio EPA
Division of Surface Water

Response to Comments

Project: AMP Ohio, National Pollutant Discharge Elimination System (NPDES) Permit
Ohio EPA ID #: 0IB00037

Agency Contacts for this Project

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Ohio EPA held a public hearing on August 5, 2008, regarding American Municipal Power's proposed coal-fired power plant. This document summarizes the comments and questions received at the public hearing and/or during the associated comment period, which ended on August 26, 2008.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comments on Ohio EPA Procedures

Comment: 1: **The Ohio EPA has failed to demonstrate that degradation of water quality that would be caused by the AMP Plant is "necessary to accommodate important social or economic development". Ohio EPA's own staffer noted that he was "struggling personally and professionally" with the draft permit because "he cannot in good faith provide any type of positive social or economic justification" for the AMP Plant. Ohio EPA must show that the lowering of water quality is justified. No specific reason for the lowering was given.**

Ohio EPA also failed to objectively evaluate alternatives that would eliminate or minimize the water quality impacts caused by the AMP Plant, including Integrated Gasification Combined Cycle (IGCC) technology, natural gas, energy efficiency, renewable energy, and zero liquid discharge options.

Specifically, the draft permit does not satisfy the antidegradation standards because:

- **The proposed AMP Plant would degrade water quality, in the sense that there would be a net increase in the discharge of pollutants;**
- **The Ohio EPA has underestimated the degradation that the AMP Plant would cause because the application and draft permit ignore the AMP Plant's air emission of at least 172 pounds of mercury; a significant portion of this mercury deposits near the source and ends up in local streams;**
- **It is not possible to ensure that the AMP Plant would not lead to a violation of applicable water quality criteria or existing uses; Ohio EPA has not provided with critical information on current ambient conditions, whether WQS are being met, or any indication of the extent to which water quality will be degraded. The Agency listed no information on these receiving waters in the 2008 Integrated Report;**
- **The Ohio EPA provided no basis for asserting that the proposed degradation of water quality is necessary to accommodate important social or economic development; and**
- **The Ohio EPA improperly ignored or rejected non-degradation or minimal degradation alternatives.**

Response 1: Ohio EPA takes comment #1 to mean that there is no express finding regarding how the Agency considers the social and economic factors as part of the antidegradation process. While fact sheets, including this one, contain the technical justifications and methodologies for drafting terms and conditions of the permit, Ohio EPA routinely does not

include an in-depth discussion of the social and economic justification (SEJ) analysis as part of its fact sheet, nor has U.S. EPA historically commented on this issue. Consideration of social and economic justification and the public comments that are a part of the antidegradation review are conducted as a part of the final decision on whether or not to issue a permit.

A copy of the Division of Surface Water's recommendations follows the Response to Comments. The Ohio EPA is providing documentation on the Director's decision to lower water quality for important social and economic development. We note here that Ohio's Antidegradation Rule addresses alternatives for wastewater management and treatment options; it does not address alternative production techniques and sources. Ohio EPA can not mandate a different industrial process under this rule. In addition, consideration of air pollution discharges fall outside the scope of this rule.

Decisions under the Antidegradation Rule are the Director's decisions; Agency staff and management act as extensions of the Director in making these decisions. Occasionally an issue will arise that a staff member will not be comfortable making a determination, whether out of principle, or realizing that the decision has implications that management or the Director needs to weigh in on. The OEPA staff member's comments should be understood in this context.

In response to the other specific comments:

- Ohio EPA acknowledges that there will be an increase in pollutant loads from the facility. The ambient increases in copper and mercury would be undetectable under critical river conditions – updated information from ORSANCO show average upstream concentrations of these metals to be 2.3 micrograms per liter, and 1.9 nanograms per liter, respectively. At the proposed discharge limits, these concentrations would be the same downstream of the plant.

  There would be a significant increase in downstream cyanide concentrations under the permit. Concentrations would increase from 0.0025 micrograms per liter to 0.022 micrograms per liter. This downstream concentration represents

approximately 4% of the average cyanide water quality standard. Ohio EPA believes that these are relatively small degradations.

- Ohio EPA did provide information on ambient Ohio River conditions in the NPDES fact sheet (see Table 3 and the brief discussion of receiving water quality on page 7). This information shows that the Ohio River is meeting the aquatic life, drinking water and recreation uses in this segment. This will not change with the issuance of these permit limits.

  Ohio EPA did not list information on the Ohio River mainstem in the 2008 Integrated Report because ORSANCO is responsible for reporting this information to Congress and the public. We did include a summary of this information in the NPDES fact sheet and a link to ORSANCO's web page for details.

  We acknowledge that there is no information in the Integrated Report on the condition of the Ohio River tributaries in this segment. Habitat analyses of these tributaries by AMP Ohio show that these tributaries have sufficient habitat characteristics to meet Warmwater Habitat or Primary Headwater Habitat criteria.

- Ohio EPA is providing the findings on AMP's antidegradation analysis in a separate document.

- Ohio EPA evaluated the alternatives proposed by AMP, and found them to be complete. AMP did include a zero process water discharge alternative as the preferred alternative for scrubber water and ash transport, which are the main sources of mercury at a plant such as this.

  The process sources of wastewater to Outfall 601 include only water treatment plant processes, boiler blowdown, air heater washing, coal pile runoff, and miscellaneous uses (mostly floor drains). These processes are expected to have lower mercury concentrations than scrubber water or ash transport water.

- AMP and Ohio EPA did evaluate pollution prevention alternatives related to wastewater, as demonstrated by the zero discharge alternatives for scrubber and ash transport wastewater. This zero-discharge design eliminates the need to set limits based on the Powerspan scrubber technology.

Comment 2: **As part of the antidegradation portion of the NPDES application for this facility, AMP-Ohio explained the social and economic benefits gained from the AMPGS project and the lack of benefits lost. To confirm those findings, this NPDES permit will not result in negative impact on the receiving water. Specifically, the discharge will not result in any lowered water quality, decreased tourism or commercial or recreational use of the Ohio River. No jobs or tax revenues will be lost, and no negative impacts to local businesses are expected. Quite to the contrary, this project will provide needed and critical economic and social benefits to the citizens of Meigs County and other surrounding areas.**

Response 2: We acknowledge that the NPDES application is complete; the Antidegradation Addendum contained the information required by the application.

Comments on NPDES Discharge Limits and Monitoring Requirements

Comment 3: **The effluent loading limits for Outfall 001 were calculated using an "average design flow of 1.9 MGD", according to the footnote to the limits table; however, the average design flow is 0.82 million gallons per day (MGD), and appears to have been used in the calculations of the monthly loading limit for mercury. Because flows will occasionally reach the 1.9 MGD maximum design flow on a short term basis, 1.9 MGD should be used to calculate the daily loading limits. The footnote should be changed to clarify the different bases for loading limits.**

Response 3: We have made this change in the final permit.

Comment 4: **Similarly, the effluent loading limits for Outfall 601 should be based on the average design flow of 0.1872 MGD (monthly average) and 0.3456 MGD (daily maximum). The draft permit bases all limits on the average daily design flow.**

Response 4: We have made this change in the final permit.

Comment 5: **With five cycles of concentration in the cooling water system, background concentrations of heavy metals and other contaminants have the potential to impact the compliance status of this facility. AMP-Ohio requests the ability to subtract background concentrations and loadings from its effluent concentration and loading limitations to account for upstream background contamination.**

Response 5: The maximum limits for cyanide and all metal parameters except mercury are based on inside-mixing-zone maximum water quality standards; these water quality standards exist to prevent rapidly lethal conditions within mixing zones and areas of waterbodies near outfalls. As a result, Ohio EPA can not grant net limits for these parameters because to do so would authorize rapid lethality in violation of OAC Rule 3745-1-04(D) (In essence would authorize IMZM concentrations plus background).

We also can not grant an intake credit for mercury. Ohio's intake credit rule prohibits intake credits where the intake pollutant is physically or chemically altered to create an impact that was not present in the background water, or where the intake pollutant is concentrated with respect to the background concentration to levels that would exhibit reasonable potential [OAC 3745-2-06(C)(1)(b)(iii) and (iv)].

Comment 6: **Ohio EPA failed to specify the required water quality-based effluent limits. The draft permit does not specify water quality-based limits for total dissolved solids, arsenic, cadmium, selenium, silver, thallium, zinc, or nitrate/nitrite-N. Because the Ohio Administrative Code requires that for general high quality waters "water quality may not be lower than the applicable water quality criteria for the water body" [OAC 3745-1-05(C)(6)(d)], Ohio EPA must include limits for these pollutants set at the water quality criteria. The "free from" provisions of Ohio's water quality standards prohibit conditions that are "toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone". Limits should therefore be applied at the discharge to meet this standard; also, where outside mixing zone criteria are more stringent than inside**

mixing zone criteria, these should be applied to the effluent.

Also, the fact sheet contains no discussion of acceptable ambient water quality concentrations of manganese. AMP plans to discharge up to 2900 ug/l of manganese. Ohio EPA must review, analyze and require effluent limits that address the water quality aspects of manganese-containing effluents.

Response 6: We agree that Ohio EPA must assess the reasonable potential for each pollutant to contribute to exceedances of water quality standards. Because this is a proposed facility, reasonable potential can not be assessed by comparing actual effluent data to wasteload allocations. In this case, Ohio EPA assessed reasonable potential primarily by comparing application data to wasteload allocation values. Those pollutants that exhibited reasonable potential were limited, as required by Ohio rules.

The reasonable potential analysis showed that chlorine, copper and free cyanide had the reasonable potential to contribute to exceedances of inside-mixing-zone maximum WQS; mercury had the reasonable potential to exceed the average WQS at the discharge point. The remaining pollutants did not exhibit reasonable potential, and limits are not required for them. Ohio EPA chose to require monitoring for some of these pollutants because they are sometimes detected in power plant wastewaters; these pollutants do not generally exhibit reasonable potential in 'low-volume' wastewaters. The monitoring is a check on the determination of no-reasonable-potential.

Ohio EPA included WQS values as end-of-pipe limits for mercury because mixing zones are not allowed for new sources of mercury. Other pollutants were assessed using the standard mixing assumptions for discharges to the Ohio River provided in OAC 3745-2-05. Based on this analysis, the inside-mixing-zone maximum values were the most restrictive WQ-based limits, and were included for those pollutants exhibiting reasonable potential.

Ohio has not been able to calculate water quality criteria for manganese, primarily due to insufficient information on the dissolved vs. total recoverable portions of the metal in laboratory toxicity tests. The available data do show that

LC50 values for total recoverable manganese are all greater than 2900 ug/l. Since IMZM criteria are based closely on LC50 values, this indicates that the manganese discharge concentrations proposed by AMP should meet narrative WQS.

Comment 7: **The Ohio EPA must also require technology-based effluent limitations for Outfall 601 so that the required national minimum level of treatment and control will be achieved.**

Response 7: The limitations for Outfall 601 do contain the required level of treatment specified by the federal effluent guideline rules for steam electric power plants. The limits for pH and oil&grease are the New Source Performance Standards for discharges of "low volume wastewater" under these rules. In setting these rules, U.S. EPA considered limits for other priority permits, and found that these pollutants were either not present in treatable concentrations, or were adequately controlled by the total suspended solids and oil&grease limits.

The limits for total suspended solids are more restrictive than the federal standards because AMP-Ohio's general treatment description shows that treatment for suspended solids will be better than envisioned by the effluent guidelines.

Comment 8: **AMP's application and the fact sheet mention storm water outfalls 003-010, but the draft permit contains no stated effluent limitations and monitoring requirements for these discharges. Such limits and monitoring requirements must be proposed by Ohio EPA and subjected to public review and comment if the Agency decides to continue to process this permit application.**

Response 8: We do not expect any significant discharge of pollutants from these outfalls. The limitations for these outfalls are the Storm Water Pollution Prevention requirements in Part IV of the permit. AMP will need to conduct annual monitoring for a variety of pollutants according to the conditions of Part V of the permit. This data will be reviewed as part of routine compliance evaluations, and will be used to evaluate the dischargers for limits or additional controls.

Comment 9: **The draft permit impermissibly allows total residual chlorine discharges which jeopardize maintenance of Ohio Water Quality Standards. Ohio's WQS for chlorine provide outside mixing zone water quality standards of 0.011 mg/l (average) and 0.019 mg/l (maximum); the WQS also provide an inside mixing zone maximum of 0.038 mg/l.**

Table 4 of the fact sheet shows a limiting water quality concentration of 0.038 mg/l; the draft permit and Table 5 of the fact sheet show an effluent limit of 0.2 mg/l. This higher effluent limit is explained by asserting that chlorinated discharges are limited to two hours per day, which minimizes exposure to chlorine and allows higher discharge concentrations.

This explanation both plainly ignores the more stringent numeric criterion that applies and fails to consider that chlorine is an acute toxin which could be very harmful to aquatic life. Ohio EPA has not provided any assurance backed by valid science to demonstrate that two-hour exposures to residual chlorine will meet the inside mixing zone WQS.

In addition to selecting a more stringent chlorine limit, the Ohio EPA must also amend the chlorine monitoring requirements to specify that monitoring should take place in the second hour of any two hour chlorination event. The permit should also be amended to require continuous monitoring for chlorine. If AMP plans to rely on sodium bisulfite to remove chlorine, the draft permit should include monitoring of the bisulfite volumetric addition rate and a requirement that the bisulfite solution be maintained at a previously demonstrated level to achieve compliance with chlorine limits that protect WQS.

Response 9: The chlorine water quality standards are those listed in the comment; however, these standards are based on frequent or continuous exposures to chlorine. Using the water quality criteria development rules in OAC 3745-1-35 and -36, Ohio EPA has calculated chlorine criteria for short-term exposures (less than 2 hours). Ohio EPA has determined that chlorine concentrations may be as high as 0.2 mg/l without causing rapid lethality in these shorter exposure times. Ohio EPA has also required a limit on chlorine discharge duration to

make sure that chlorine discharges do not exceed 2 hours/day.

For the timing of chlorine sampling, we have added a footnote to the Outfall 001 limits table that requires sampling during discharge of chlorinated wastewaters. Also, Part III, Items 5 and 6 in the permit require representative sampling, and recording of sample times and other information about the analysis. These standard requirements reinforce the requirements in the Outfall 001 limits table and footnotes.

Ohio EPA has not included a specific bisulfite addition rate, or similar narrative requirement because the chlorine limit is greater than the analytical quantification level for chlorine. The discharge limits and sampling restrictions will ensure that the effluent limits are met. If the limit was below the quantification level, a bisulfate addition rate requirement would be appropriate to provide additional assurance the limit was actually met.

Comment 10: **The record suggests that AMP will violate the mercury effluent limits in the draft permit. The application data on expected discharge concentrations shows levels higher than the discharge limit.**

Response 10: The application does show this. This is the main reason why Ohio EPA found that the discharge has the reasonable potential to contribute to exceedances of WQS, and included discharge limits to prevent that from occurring.

Comment 11: **Monitoring for mercury must be more frequent and the draft permit should be clarified to show how mercury effluent limitations will be tested for compliance against monitoring data. First, quarterly monitoring is obviously inadequate to ensure compliance with daily and monthly limits. Quarterly monitoring does not provide data for all months, and therefore compliance can not be determined for all months.**

The permit sets a 30-day average limit of 12 ng/l and a maximum limit of 1700 ng/l, with associated loading limits. What is not clear is whether the single monthly monitoring result is evaluated against the average limit or the maximum limit. The monthly limit should not be evaluated on an annual compliance basis.

Response 11: We agree that monthly monitoring is more appropriate than quarterly, considering that there is an effluent limit. We have changed the monitoring frequency for mercury in the final permit.

The monthly sample result is evaluated against both limitations. If the permittee exceeds the average limit in that sample, they have the option of collecting additional samples during that month to maintain compliance with the average limit. We believe that this is clear from the permit language.

Comment 12: **Effluent temperature monitoring should be continuous. This represents state-of-the-art for temperature monitoring.**

Response 12: Using a maximum-indicating thermometer is, in some ways, more restrictive than continuous monitoring. These instruments monitor continuously, but record only the maximum temperature recorded for the day. If the temperature increases from an earlier period, the thermometer records the new temperature and holds there until there is another increase, or until the instrument is reset. There is also no reasonable potential for temperature standards to be exceeded in the Ohio River. Based on this, we do not see a reason to change the monitoring requirement.

Comment 13: **The permit should have zero process discharge, like the Baard Energy facility. It appears that the wet scrubbers will have some flowdown. This should be addressed in the permit.**

Response 13: The plant would have zero discharge for certain wastestreams, notably the scrubber and bottom ash systems. The small volume of wastewater generated from these processes would be recycled to the input for the bottom ash system. The bottom ash system consumes more water than is added.

The remaining process wastewaters that would discharge via Outfall 601 would be mostly water plant discharges. Based on this comment, AMP is discussing adding reverse osmosis treatment to the coal pile runoff prior to combining with other wastestreams at the Outfall 601 treatment system.

It should also be noted that the Baard Energy facility does not have a zero discharge for process wastewater. Both the coal gasification process and the product refining process will have discharges under the company proposal.

Comment 14: **U.S. EPA has been soliciting proposals for nutrient reduction in the Ohio River, and Upper and Lower Mississippi Watersheds to reduce the size of the hypoxic zone in the Gulf of Mexico. This facility should not be permitted if it would add to the nutrient load to the Ohio River.**

Response 14: The wastewater sources to be discharged from this facility are inorganic wastewaters related to the water plant and boiler discharges; these should not have any significant level of nitrogen associated with them.

Comment 15: **Ohio EPA needs to require alarms and controls to give warning of wastewater system failures.**

Response 15: These controls will be addressed when the water permit-to-install application (and specific treatment plan) is reviewed.

Comment 16: **Ohio EPA has not done a cumulative assessment of human health, the environmental impacts or economic justice associated with this power plant along with other facilities in the area. Ohio EPA needs to provide a complete list of contaminants discharged, and evaluate any additive or synergistic effects on the river and the people living along it.**

Response 16: Ohio EPA assesses the potential for human health and environmental impact through the wasteload allocation process. If discharges are close enough together for the measurable effects of one to influence the other, they are allocated together to assess the cumulative impact. In this case, there are no other dischargers in Ohio sufficiently close to cause this type of analysis.

To account for any dischargers in West Virginia, Ohio EPA uses only a small portion of the discharge flow for most wasteload allocations on the Ohio River (10% of the 7-day, 10-year low flow for chronic allocations and 1% of the 7Q10 flow for standards to protect against acute impacts). In addition, we limit discharges to the inside-mixing-zone

maximum standard; we also limit bioaccumulative chemicals of concern, such as mercury, to WQS at the discharge point.

As a recipient of federal funding, Ohio EPA is under a legal obligation to comply with Title VI of the Civil Rights Act. We have fully reviewed the guidance developed by U.S. EPA for states regarding environmental justice. We meet our legal obligations and implement federal guidance through both our technical review and our public involvement activities on permit applications.

Additionally, any recipient of federal funding, such as Ohio EPA, must comply with Title VI of the Civil Rights code. Under U.S. EPA's Title VI implementing regulations, States are prohibited from using criteria or methods of administering its program which have the effect of subjecting individuals to discrimination because of their race, color or national origin. As a result, States may not issue permits that are intentionally discriminatory or issue permits that have a discriminatory effect based on race, color or national origin. While we do not have a specific environmental justice policy to follow, we consider all comments raised regarding environmental justice to ensure we comply with Title VI.

The Agency has also found that the most effective way to address environmental justice concerns is by building partnerships with community organizations.

Comments on Permit Special Conditions (Part II)

Comment 17: **The toxicity testing requirements in Part II, Item Q require the submittal of Standard Operating Procedures for toxicity tests no later than three months after the effective date of the permit. Since AMP will not discharge until 2012, AMP-Ohio suggests that this deadline be delayed until three months prior to the start-up of the first boiler.**

Response 17: We agree to make this change.

Comment 18: **Part II. C. is objectionable because it attempts to exclude AMP from monitoring on Saturdays, Sundays and Holidays. There is no basis in law for claiming that weekends and holidays should be exempted from monitoring requirements. Even if this provision is**

included, there is no basis for excluding any permit effluent limitation and monitoring practice done with continuous monitoring equipment. As written, the draft permit excludes continuous monitoring for temperature and pH from weekend/holiday monitoring and data retention.

Response 18: We agree to remove this condition.

Comments on Storm Water Pollution Prevention / Monitoring (Parts IV, V and VI)

Comment 19: **Since AMP will not discharge storm water associated with steam electric plant activities until 2012, AMP-Ohio suggests that the Storm Water Pollution Prevention Plan submittal be delayed until six months prior to start-up of the first boiler.**

Response 19: We agree to make this change.

Comment 20: **AMP-Ohio suggests that monitoring activities described in Part V be delayed until 12 months after start-up of the first boiler.**

Response 20: We agree to make this change.

Comment 21: **Part V improperly exempts coal pile runoff from limits. The effluent limits in Part I. of the permit apply from the effective date.**

Response 21: We agree to remove this language from Part V to prevent conflicts in permit interpretation. Part V contains a number of generic conditions that are not applicable to every permittee. Ohio EPA never intended to allow a compliance schedule for this limit.

Comment 22: **The permit application and draft permit fail to adequately address the impacts of precipitation events on wastewater management and treatment. AMP has indicated rates of 8 and 31 gallons per minute for average effluent generation from landfill leachate and 28 to 120 gallons per minute for the same sources for the summertime maximum. AMP should have provided calculations to explain these numbers.**

Information needs to be provided about whether leachate, coal pile runoff, or other maximum

precipitation events have the potential to disrupt the treatment process or cause a bypass of treatment.

Ohio EPA must require AMP to implement Best Management Practices for effluent control during high precipitation events. There is no discussion of short-term control options, such as surge ponds. AMP must monitor, detect and report as permit exceptions all weather (and all other) diversions of untreated coal pile drainage and landfill leachate away from treatment to uncontrolled site runoff.

Response 22: Part IV of the permit requires AMP-Ohio to develop BMPs (storm water pollution prevention plans) for all storm water. The specific designs of storm water ponds, and the need for surge ponds, will be reviewed with the permit-to-install applications for these controls.

Comments Related to Pollution Management

Comment 23: **What is the effect of plant construction on silt discharges and flooding?**

Response 23: AMP-Ohio will need to obtain a construction storm water discharge permit from Ohio EPA; this permit requires controls on silt discharges and other pollution prevention measures to keep pollutants on the site, and out of the Ohio River.

Comments on the NPDES Fact Sheet

Comment 24: **Ohio EPA should remove "sanitary wastewater" from the description of Outfall 601. Sanitary effluent from a septic tank will be discharged to a constructed wetland. Overflow from the constructed wetland will be discharged into Tuppers Run from a dedicated outfall not included in the original permit application.**

Response 24: We acknowledge that sanitary wastewater will not be discharged via Outfall 601. At this time there is no authorized discharge of sanitary wastewater.

Comment 25: **In Table 1 of the fact sheet (application data), the average mercury concentration should be 117 nanograms per liter; the average cyanide concentration**

should be 0.01 ug/l, and the maximum cyanide concentration should be 0.06 ug/l.

Response 25: We acknowledge that the application value for mercury is 117 ng/l, and that the fact sheet contains a typographical error. Further correspondence with AMP personnel indicate that the fact sheet is correct with respect to the cyanide units (they are milligrams per liter); the application contains an error, and should listed cyanide values as mg/l.

General Comments

Comment: 26: **We support issuing the permits and the construction of the plant. These are good jobs that would be created. Many people currently drive to Columbus and other far-away locations to work. The people who protest do not represent Meigs County.**

AMP is a good project for Meigs County and our people. AMP will meet or exceed all EPA expectations. Our energy demands are going up; everyone wants power. This project is privately funded, while the alternatives cited are government funded. This project should go forward.

If we do not build cleaner coal-fired plants, we will need to rely on the older dirtier ones.

Response 26: We acknowledge these comments.

Comment 27: **Coal-fired power plants produce 66% of the sulphur dioxide, 40% of the carbon dioxide, 33% of the mercury and 22% of the nitrogen dioxides emitted in the United States. Also, the Toxic Release Inventory data for counties with coal-fired power plants show some of the highest pollutant emissions in Ohio, and for the country.**

AMP is preying upon a poor community; there is no guarantee that jobs will go to local people. Are the promised jobs enough to trade people's health?

It is time to wean the country from coal and to renewable energy. A transition is needed. Carbon dioxide is a pollutant that will soon be regulated, and the cost of that regulation is not included in AMP's projections.

It is true that some of the people objecting to the plant are not local; neither are the investors or the AMP board of directors. The pollution from these facilities is regional and global.

Response 27: We acknowledge these comments. These comments are more directed toward the air pollution control permits and the Ohio Power Siting Board's authority than to the NPDES or solid waste permits.

End of Response to Comments

Social/Economic Justification Report for the Lowering of Water Quality for Receiving Stream: Ohio River, Johns Run, Unnamed tributaries
NPDES No. 0IB00037*AD
October 23, 2008

The application for NPDES Permit was evaluated in accordance with the Antidegradation Rules 3745-1-05 OAC. The proposed activity will result in a lowering of water quality and the information submitted by the applicant in accordance with OAC 3745-1-05 (B)(2)(c)-(g) and other information and facts were evaluated. The following issues were considered in recommending issuance of the NPDES permit:

(a) THE MAGNITUDE OF THE PROPOSED LOWERING OF WATER QUALITY(WQ):

The discharges authorized by the NPDES permit are not expected to have any significant impact to the water quality of the Ohio River or the smaller tributaries. Based on Ohio EPA's wasteload allocation, the information in the company's application shows that chlorine, copper, free cyanide, and mercury are projected to exceed or approach the water quality based limits for inside-mixing-zone WQ criterion. The permit will include effluent limitations to protect WQ in the mixing zone including limits for acute toxicity. The storm water runoff may have some minor impact to the smaller tributaries during initial construction. But best management practices (BMPs) and the installation of the permanent sedimentation ponds should minimize impacts.

The discharger has proposed additional treatment of the coal pile runoff to remove any mercury that may be in the discharge.

The plant's intake structure will be designed to exceed the requirements of USEPA's Phase I 316(b) Rule to minimize impingement and entrainment of fish and other aquatic organisms. The NPDES P. will have specific requirements for the design and operation of the intake structure.

(b) THE ANTICIPATED IMPACT OF THE PROPOSED LOWERING OF WATER QUALITY ON AQUATIC LIFE AND WILDLIFE, INCLUDING THREATENED AND ENDANGERED SPECIES, IMPORTANT COMMERCIAL OR RECREATIONAL SPORT FISH SPECIES, OTHER INDIVIDUAL SPECIES AND THE OVERALL AQUATIC COMMUNITY STRUCTURE AND FUNCTION:

If the discharger meets the permit effluent limitations, the permitted discharges should have a very small, if any impact, to the aquatic community including any threateded or endangered species. Except for some potential for impacts within the mixing zone in the Ohio River, there should be no impact in the river outside the mixing zone. The storm water discharges should have no significant impact to the smaller tributaries. There is no reason to believe that the discharger will be unable to meet the permit effluent limitations.

(c) THE ANTICIPATED IMPACT OF THE PROPOSED LOWERING OF WATER QUALITY ON HUMAN HEALTH AND THE OVERALL QUALITY AND VALUE OF THE WATER RESOURCE:

The permitted discharges should have no impact on the quality of human health or the value of the water resources.

(d) THE DEGREE TO WHICH WATER QUALITY MAY BE LOWERED IN WATERS LOCATED WITHIN NATIONAL, STATE OR LOCAL PARKS, PRESERVES OR WILDLIFE AREAS OR WATERS DESIGNATED OUTSTANDING HIGH QUALITY WATERS, OUTSTANDING NATIONAL RESOURCE WATERS, SUPERIOR HIGH QUALITY WATERS OR STATE RESOURCE WATERS:

There will be no discharges to parks, preserves, wildlife areas, or any of the high-quality water resources listed above.

(e) THE EFFECTS OF LOWER WATER QUALITY ON THE ECONOMIC VALUE OF THE WATER BODY FOR RECREATION, TOURISM AND OTHER COMMERCIAL ACTIVITIES, AESTHETICS, OR OTHER USE AND ENJOYMENT BY HUMANS:

The discharges should have little if any adverse impact to the economic value of the Ohio River or the smaller tributaries with regard to recreation, tourism, or other commercial activities.

(f) THE EXTENT TO WHICH THE RESOURCES OR CHARACTERISTICS ADVERSELY IMPACTED BY THE LOWERED WATER QUALITY ARE UNIQUE OR RARE WITHIN THE LOCALITY OR STATE:

There are no known unique or rare water quality resources or characteristics in this part of the Ohio R. or the smaller tributaries.

(g) THE COST OF THE WATER POLLUTION CONTROLS ASSOCIATED WITH THE PROPOSED ACTIVITY:

Information provided by the applicant indicates the cost of water pollution control is estimated to be $60,710,000. This includes almost $37,000,000 for the cooling towers and wastewater recirculation systems. The discharger amended the application to include additional treatment of coal pile runoff which would increase these numbers, but no estimate of these treatment costs was submitted.

(h) THE COST EFFECTIVENESS AND TECHNICAL FEASIBILITY OF THE NON-DEGRADATION ALTERNATIVES, MINIMAL DEGRADATION ALTERNATIVES OR MITIGATIVE TECHNIQUE ALTERNATIVES AND THE EFFLUENT REDUCTION BENEFITS AND WATER QUALITY BENEFITS ASSOCIATED WITH SUCH ALTERNATIVES:

The applicant submitted a detailed description of the non-degradation, minimum degradation and mitigative technique alternatives and the costs and benefits of each

alternative in the antidegradation addendum to the NPDES application. Considering the minor impacts to WQ vs. the costs of the other alternatives, the discharger will not be required to implement any of the other more expensive non-degradation or minimum degradation alternatives.

Table showing estimated costs:

	Capital Cost	Annual O/M
PREFERRED ALTERNATIVE	*$60,710,000*	*$2,000,000/year*
NON-DEGRADATION ALTERNATIVE #1	*$93,040,000*	*$2,630,000/year*
NON-DEGRADATION ALTERNATIVE #2	*$112,050,000*	*$640,000/year*
MINIMAL DEGRADATION ALTERNATIVE	*$113,000,000*	*$4,910,000/year*
MITIGATIVE TECHNIQUE ALTERNATIVES	*NO COSTS INDICATED*	

The applicant has proposed two mitigation projects. Only one would mitigate the impact of the discharges. This would be the lowering of the intake velocity at the intake structure to 0.4 feet per second vs. the required 0.5 feet per second. This will minimize the size of the Ohio River area potentially affected by water withdrawal and minimize the potential for entrainment and impingement of aquatic organisms.

The applicant has proposed to mitigate all wetlands and stream impacts associated with the AMPGS project. This is related to impacts to the streams and wetland as a result of construction or the power plant complex and the landfill and power lines, etc. This is something required and evaluated during the 401 review process and isn't considered a mitigative action relating to this antidegradation review.

Considering that impacts to WQ from the permitted discharges will not be significant, no other mitigative efforts will be required.

(i) THE AVAILABILITY, COST EFFECTIVENESS, AND TECHNICAL FEASIBILITY OF CENTRAL OR REGIONAL SEWAGE COLLECTION AND TREATMENT FACILITIES, INCLUDING LONG-RANGE PLANS OUTLINED IN STATE OR LOCAL WATER QUALITY MANAGEMENT PLANNING DOCUMENTS AND APPLICABLE FACILITY PLANNING DOCUMENTS:

There is no opportunity to have the sewage (or any other wastewaters) treated at another existing regional or central facility.

(j) THE AVAILABILITY, RELIABILITY AND COST EFFECTIVENESS OF ANY NON-DEGRADATION ALTERNATIVE, MINIMAL DEGRADATION ALTERNATIVE OR MITIGATIVE TECHNIQUE ALTERNATIVE:

All alternatives appear to be available.

For the non-degradation alternative no. 1 that includes the ZLD treatment system, the applicant states: "... ZLD wastewater treatment systems require more operator attention and are inherently more difficult to operate than the physical-chemical treatment system included in the Preferred Design. Therefore, the ZLD system would be considered less reliable than the Preferred Design. ZLD systems are rarely used by

power plants in the Midwest because of concerns over reliability and excessive operation and maintenance costs."

The non-degradation alternative no. 2 uses ground water as a source of cooling water and and air cooled condensers. Capital and operating costs will be very high including the cost in electricity to operate the system. The reliability would be the same as the non-degradation alternative no.1.

The minimum degradation alternative includes the advanced biological treatment system. Regarding reliability, the applicant states: " ... the advanced wastewater treatment system involves biological processes that are inherently more difficult to operate and less reliable than the physical-chemical treatment system included in the Preferred Design."

Non of the proposed alternatives is considered to be cost effective considering the anticipated impacts to WQ, but the applicant has proposed to implement a mitigative alternative as described above.

(k) THE RELIABILITY OF THE PREFERRED ALTERNATIVE INCLUDING, BUT NOT LIMITED TO, THE POSSIBILITY OF RECURRING OPERATIONAL AND MAINTENANCE DIFFICULTIES THAT WOULD LEAD TO INCREASED DEGRADATION:

The applicant s preferred alternative should have a high level of reliability. Most of the proposed treatment systems are in common use in most power plants and are proven technologies. The treatment system for removal of mercury in the coal pile runoff is not common at power plants, but the technology is proven and should be reliable. Alarms and standby power will be provided.

(l) THE CONDITION OF THE LOCAL ECONOMY, THE NUMBER AND TYPES OF NEW DIRECT AND INDIRECT JOBS TO BE CREATED, STATE AND LOCAL TAX REVENUE TO BE GENERATED, AND OTHER ECONOMIC AND SOCIAL FACTORS AS THE DIRECTOR DEEMS APPROPRIATE:

Based on AMP Ohio's application: The Ohio Department of Development estimated the population of Meigs County to be 23,092 in 2006. The proposed facility is entirely within Letart Township, which has a 2006 estimated population of 640.' The county had a labor force of 9,100 workers in 2006, with an unemployment rate of 8.5% (the current Ohio average is 5.5%). The taxable value of all industrial property in Meigs County was $19.8 million in 2005. Considering the Applicant's estimates of up to 1,600 workers employed during construction of the facility, 150 permanent employees during operation of the facility, and over $1 million in annual property taxes generated, the proposed facility would have a significant positive impact on the economy of Meigs County and the region.

(m) ANY OTHER INFORMATION THAT WAS CONSIDERED REGARDING THE PROPOSED ACTIVITIES AND THE EFFECTED WATER BODY:

The Ohio Power Siting Board's report was reviewed. The report states:

"The proposed facility is not expected to present any significant negative impact to commercial, institutional or residential land uses. Any residential structures that are acquired and removed by the Applicant will be negotiated with the affected property owners. Local employment, tax-base growth and regional economic development are expected to be positively enhanced as a direct result of construction and operation of the plant.

Staff concludes that the project, as proposed, would introduce both temporary and permanent impacts to the site and surrounding areas. These impacts include social, cultural, and environmental factors. In order to address and minimize these impacts, Staff has included several conditions, compliance with which should be required as part of the issuance of any certificate for this case. With the Staff recommended conditions. Staff believes that minimum adverse impacts will be realized at the project site.

The Staff recommends that the Board find that the proposed site represents the minimum adverse environmental impact provided that any certificate issued by the Board for the proposed facility includes the conditions specified in the section of the report entitled Recommended Conditions of Certificate".

Comments received as part of the public comment process were also considered.

As indicated above, after the owner reviewed the draft permit and the effluent limitations, the application was amended to show treatment of the coal pile runoff.

Completed by: _____
Bruce E. Goff, P.E.

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