

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.,
ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

CITY OF MASSILLON, OHIO,

Defendant.

CASE NO. 88-449-0-2
JUDGE WILLIAM A. MORRIS

CONSENT ORDER



The State of Ohio by its Attorney General, Anthony Celebrezze, Jr., filed a Complaint seeking injunctive relief and civil penalties from Defendant City of Massillon, Ohio (hereinafter "Defendant") for violations of Ohio Revised Code ("O.R.C.") Chapter 6111. and the rules adopted thereunder. With regard to these issues, the parties have reached agreement on the terms of permanent injunctive relief and for payment of a civil penalty.

THEREFORE, without trial of any issue of law or fact, and upon consent of the parties, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION

1. The Court has jurisdiction over the subject matter herein pursuant to O.R.C. Chapter 6111. The Complaint states a claim upon which relief can be granted against Defendant under these statutes. The Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply to and be binding upon the Defendant, its agents, officers, employees, assigns, and successors in interest. In addition, this Order shall apply to all persons, firms, corporations and other entities having notice of this Order and acting in privity with Defendant.

Defendant shall provide a copy of this Consent Order to each contractor that it retains as a consultant to perform work under this Consent Order.

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant for all of its violations of O.R.C. Chapter 6111., as alleged in the Complaint, concerning Defendant's operation and maintenance of its publicly owned treatment works (hereinafter "POTW") and administration and enforcement of Defendant's approved POTW pretreatment program.

4. This Order does not limit the power of the State of Ohio to seek relief for any other claims not alleged in the Complaint or for violations occurring after entry of this Consent Order.

IV. COMPLIANCE PROGRAMS

5. The Defendant is permanently enjoined to comply with the requirements of ORC Chapter 6111., the rules adopted thereunder and the terms and conditions of its current National

Pollutant Discharge Elimination System ("NPDES") permit and any modifications or renewals thereof, except as provided in paragraphs 7, 8 and 9 of this Consent Order. Paragraphs 7, 8 and 9 provide Defendant with interim effluent limitations and monitoring requirements. Defendant's NPDES permit No. 3PE00007*ED (Exhibit 1) is incorporated into the terms of this Consent Order. Defendant shall:

- a. Comply, with the effluent limitations and monitoring requirements of its current NPDES Permit, and any modifications or renewals thereof, and with the interim effluent limitations and monitoring requirements set forth in paragraphs 7, 8 and 9 at its POTW.
- b. Install, maintain and operate continuous monitoring devices for pH, Chlorine Residual and Dissolved Oxygen no later than October 1, 1990. As soon as these monitoring devices are utilized continuously, Defendant shall notify Ohio EPA in writing within seven (7) days.
- c. Continuously operate all major POTW components year-round except for the roughing filters. These roughing filters shall be maintained in operable condition and shall be operated as needed to assure compliance with Defendant's current NPDES permit and any modifications or renewals thereof.

d. Submit a general plan, no later than June 1, 1990, which (1) details procedures for the elimination of collection system and preaeration tank overflows and bypasses at the POTW. Such plan shall include specific design criteria for the chosen procedures and implementation schedules. No later than November 1, 1990, Defendant shall submit a complete application for a permit to install ("P.T.I.") for the proposed improvements, including approvable detail plans, to Ohio EPA. Until all overflows and bypasses are eliminated as set forth in Defendant's approved plan, Defendant shall monitor and discharge overflows and bypasses as set forth below.

Station Number*
3PE00007002

Description of Location
Preaeration Tank Overflow

Defendant shall monitor the treatment plant's bypass/overflow, when discharging, at Station 3PE00007002 in accordance with the following table.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
Reporting			Measurement	
<u>Code</u>	<u>Units</u>	<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>
00530	mg/l	Suspended Solids	Once/day	Grab
50050	MGD	Flow	Daily	Continuous
80998	Number	Occurrences	Daily	Continuous
80999	Hr/day	Duration	Daily	Continuous
80082	mg/l	CBOD ₅	Once/day	Grab

<u>Station Number*</u>	<u>Description</u>	<u>Receiving Stream</u>
3PE00007003	Point of introduction of wastewater to Edwin Ave. Pump station or Flood Control System.	Tuscarawas River

Defendant is authorized to discharge from station number 3PE00007003 only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Defendant shall monitor the systems bypasses and overflows at Station 3PE00007003 and report to the Ohio EPA in accordance with the following Table:

CHARACTERISTIC Reporting			MONITORING REQUIREMENTS	
<u>Code</u>	<u>Units</u>	<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
50050	Million Gallons	Volume	When discharging	Daily Est.
80082	mg/l	CBOD ₅	1/Month	Grab
80998	Number/Mo.	Occurrences	When discharging	Estimate
80999	Hours	Duration	When discharging	Daily Est.
00530	mg/l	Suspended Solids	1/Month	Grab

*Data for the Number of Occurrence(s) per day, the daily duration and the total daily Flow may be estimated.

For days when there are no bypass discharges, data for parameters which require laboratory analyses should be reported as "AH" and an explanation of "No Discharge" entered in the "Additional Remarks" section. Also, on such days Zero should be reported for occurrences, duration, and flow.

Treatment plant bypass is prohibited except under emergency conditions as authorized by the Federal Regulation at 40 CFR 122.41 (m).

Monitoring data shall be submitted for each month when discharge occurs. The monthly monitoring report shall be attached to the normal monthly report form (EPA-4500) used for Defendant's NPDES Permit.

- e. Submit a general plan, within seven (7) days after the entry of this Consent Order, which provides for the installation of additional thirty (30) days wet sludge storage capacity. Such plan shall include specific design criteria for the chosen procedures and implementation schedules. Within one hundred and eighty days after the entry of this Consent Order Defendant shall submit a complete application for a permit to install ("P.T.I") for the proposed improvements, including approvable detail plans, to Ohio EPA.
- f. Within sixty (60) days of the entry of this Consent Order, submit an amendment to the proposed modification to the Operation and Maintenance ("O & M") manual approved by Ohio EPA June 15, 1976 which amendment shall specify that (1) a Class IV operator will be employed, within one year of entry of this Consent Order, to manage and supervise the POTW and (2) specifying the number, positions, and hiring procedures, including any proposed hiring dates, of the staff to be employed at the POTW. This amendment and

the proposed modification already submitted are subject to Ohio EPA approval and shall be corrected pursuant to the procedures set forth below.

The plans and notifications set forth in subparagraphs 5(b), 5(d), 5(e), and 5(f) are subject to Ohio EPA approval and shall be submitted to Ohio EPA at the following addresses:

John Sadzewicz (or his successor)
Division of Water Pollution Control
Ohio EPA
1800 Watermark Drive
Columbus, Ohio 43215

and

Kelvin Rogers (or his successor)
Division of Water Pollution Control
Northeast District Office
2110 East Aurora Drive
Twinsburg, Ohio 44087

If Ohio EPA notifies Defendant that part or all of the plans set forth above are not approvable as submitted, the Defendant shall resubmit the unapproved portion(s) within twenty (20) days of Ohio EPA's notification to the Defendant. Defendant shall correct the deficiencies to the satisfaction of Ohio EPA. The approved plans and any implementation schedules shall be implemented by Defendant.

6. Defendant is permanently enjoined to implement its pretreatment program, as approved by the Director on August 28, 1985, and any modifications thereof. Defendant's approved

pretreatment program (hereinafter, the "program") is fully incorporated by reference into the terms of this Consent Order. Defendant shall:

- a. Issue, within thirty (30) days after the entry of this Consent Order, an industrial user permit, as defined in the program, to each industrial user discharging into its POTW. Such industrial user permits shall also be submitted to Ohio EPA. If upon review by Ohio EPA any industrial user permits are determined deficient, Defendant shall, within fifteen (15) days after notification of such deficiency by Ohio EPA, issue permit modifications correcting the deficiencies.
- b. Within thirty (30) days after the entry of this Consent Order, hire a pretreatment coordinator or program director, who will devote one hundred percent (100%) of his/her time to the program or submit a program modification to Ohio EPA specifying how and by what POTW employees the program is to be coordinated. If a coordinator or director is hired, Defendant shall notify Ohio EPA in writing within (7) days.

- c. Sample all industrial user discharges in accordance with the various schedules stated in its approved program and as required by the federal pretreatment regulations set forth in 40 CFR, Part 403.
- d. Conduct annual inspections of industrial users as stated in its approved program.
- e. Within thirty (30) days after the entry of this Consent Order, equip its program with two portable composite samplers, one 5-minute escape air pack and one gas and oxygen content meter. When all such equipment is obtained, Defendant shall notify Ohio EPA in writing within seven (7) days.
- f. Within thirty (30) days after the entry of this Consent Order, notify all industrial users of applicable pretreatment and RCRA standards and requirements, pursuant to 40 CFR Part 403. As these requirements are changed or modified, Defendant shall notify all industrial users of such changes or modifications.
- g. Within sixty (60) days after the entry of this Consent Order, determine which industrial users have toxic organics, as

defined in Chapter 3745-3 of the Ohio Administrative Code, on site that could potentially be discharged (via spill or daily discharge) to the POTW. Defendant shall then require each industrial user to take whatever action is necessary to comply with federal, state and local laws that apply to toxic organics. Defendant shall submit a report of its findings and subsequent actions to Ohio EPA within seventy-five (75) days after entry of this Consent Order.

- h. Correct deficiencies in the enforcement management system already submitted to Ohio EPA, if Ohio EPA determines that the system fails to include the following: (1) detail and definition of all actions to be used to enforce the requirements of its pretreatment program, (2) detail of what violations by an industrial user require an enforcement action and (3) time schedules for the utilization of each enforcement action.
- i. Within 30 days after entry of this Consent Order, evaluate and submit the technical justification for local industrial user limitations along with a proposed pretreatment program modification or

appropriate justification for retaining existing local industrial user limitations to Ohio EPA in duplicate.

- j. Within 30 days of Ohio EPA's written notification to proceed with new local limitations and/or approval of new local limitations, issue, where necessary, control mechanisms (i.e., permits, permit modifications, orders) to industrial users incorporating revised local limits and compliance schedules needed by the industrial user to meet the new local limitations.

The plans permits and notifications set forth in subparagraphs 6 (a), 6 (b), 6 (e), 6 (g), 6 (h) and 6(i) are subject to Ohio EPA approval and shall be submitted to Ohio EPA at the addresses listed in paragraph 5.

If Ohio EPA notifies Defendant that part or all of the plans or permits set forth above are not approvable as submitted, the Defendant shall resubmit the unapproved portion(s) within twenty (20) days of Ohio EPA's notification to the Defendant. Defendant shall correct the deficiencies to the satisfaction of Ohio EPA. The approved plans and any implementation schedules shall be implemented by Defendant.

V. INTERIM LIMITS AND MONITORING REQUIREMENTS
FOR NPDES PERMIT NO. 3PE00007*ED

7. Except for the parameters Copper, Phenolics, Mercury, pH, Chlorine Residual and Dissolved Oxygen, Defendant shall comply with all terms and conditions of NPDES Permit No. 3PE00007*ED and any modifications or renewals thereof.

8. For the parameters Mercury, pH, Chlorine Residual and Dissolved Oxygen, Defendant shall, from the date of entry of this Consent Order until October 1, 1990, comply with the interim effluent limitations and monitoring requirements set forth on page 13. For the parameters Copper and Phenolics, Defendant shall, from the date of entry of this Consent Order until February 1, 1990, comply with the interim effluent limitations and monitoring requirements set forth on page 13.

INTERIM EFFLUENT CHARACTERISTIC DISCHARGE LIMITATIONS

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS		
	Units	Parameter	Concentration Other Units	Loading* Kg/day	Monitoring Requirements	Sample Type	
			Avg. Max.	Avg. Max.	Measure Freq.		
ug/l	Copper	45	111	2.13	5.3	1/week	Composite
ug/l	Phenolics	20	-	0.95	-	1/week	Composite
ug/l	Mercury	0.8	-	0.038	-	1/week	Composite

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

If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)

The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored daily by grab sample.

* The average effluent loading limitations are established using the following flow value: 12.5 MGD (million gallons per day).

9. Defendant shall comply with the final effluent limits and monitoring requirements for the parameters Mercury, pH, Chlorine Residual and Dissolved Oxygen set forth in NPDES Permit No. 3PE00007*ED, and any modifications thereof, no later than October 1, 1990. Defendant shall comply with the final effluent limits and monitoring requirements for the parameters Copper and Phenolics set forth in NPDES Permit No. 3PE00007*ED, and any modifications thereof, no later than February 1, 1990.

VI. CIVIL PENALTIES

10. The Defendant is further ordered to pay a civil penalty pursuant to Ohio Revised Code Section 6111.09 of Forty Thousand Dollars (\$40,000.00). This payment shall be made by tendering a check or money order to Plaintiff's attorney or his successor within ten (10) days after the filing of this Order. Said check or money order shall be made payable to the "Treasurer, State of Ohio" and tendered at the following address:

Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410

VII. STIPULATED PENALTIES

11. In the event that Defendant City of Massillon fails to meet any of the submittal or resubmittal deadlines contained in Section IV of this Consent Order or fails to meet a construction schedule approved by Ohio EPA and contained in such submittal or resubmittal, the Defendant shall be immediately liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days - \$500.00 per day for each requirement not met. For each day of failure to meet a requirement, from thirty-one (31) to sixty (60) days - \$1,000.00 per day for each requirement not met. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days - \$2,500.00 per day for each requirement not met. For each day of failure to meet a requirement, from ninety-one (91) to one hundred twenty days (120) - \$3,500.00 per day for

each requirement not met. Such payment shall be made on Defendant's own initiative at the address listed in paragraph 10.

In the event that Defendant fails to comply with an effluent limitation as set forth in paragraphs 7, 8 and 9 or as required by NPDES permit No. 3PE00007*ED and any modifications or renewals thereof, the Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule. For each 30-day or average effluent discharge violation, \$2,500.00 dollars for each violation. If the same 30-day or average effluent occurs consecutively, \$5,000.00 for the second violation. If the same 30-day or average effluent discharge violation occurs three times in succession, \$7,500.00 for the third violation. For the same consecutive 30-day or average effluent discharge violation thereafter, \$10,000.00 for each violation.

For each 7-day, daily, not to exceed or maximum effluent discharge violation, \$2,000.00 dollars for each violation. If the same 7-day, daily, not to exceed or maximum effluent discharge violation occurs consecutively \$3,000.00 for the second violation. If the same 7-day, daily, not to exceed or maximum effluent discharge violation occurs three times in succession, \$5,000.00 for the third violation. For the same consecutive 7-day, daily, not to exceed or maximum effluent discharge violation thereafter, \$7,000.00 for each violation.

For violation of any other permitting requirement, including but not limited to monitoring and reporting requirements, \$500.00 for each day each requirement is not met.

For purposes of computing these stipulated penalties, each separate 30-day, average or 7-day effluent discharge violation shall be considered one violation and not 30 or 7 separate violations. Furthermore, the stipulated penalties provided for by this Section shall be made on Defendants own initiative at the address listed in paragraph 10.

VIII. WAIVER OF RIGHT TO APPEAL
NPDES PERMIT NO. 3PE00007*ED

12. Defendant waives any right to contest the lawfulness or reasonableness of NPDES Permit No. 3PE00007*ED (Exhibit 1) before the Environmental Board of Review or any court of competent jurisdiction either in law or equity.


IX. TERMINATION OF STIPULATED PENALTIES

13. The provisions of this Consent Order set forth in Section VII, paragraph 11 requiring the payment of stipulated penalties may be terminated after Defendant has achieved and maintained compliance with the final effluent limitations contained in its NPDES permit for a period of one (1) year and has paid all stipulated penalties required pursuant to this Consent Order.

X. MISCELLANEOUS

14. The Court shall retain jurisdiction of this matter for the purpose of overseeing the implementation of this Order.


15. Defendant shall pay the costs of this action.




JUDGE JOHN G. HAAS

CITY OF MASSILLON

ANTHONY J. CELEBREZZE, JR.,
Attorney General




FRANCIS H. CICCHINELLI, JR.
Mayor
City of Massillon
100 City Hall Street, S.E.
Massillon, Ohio 44646



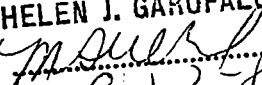
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30 East Broad Street, 17th Fl.
Columbus, Ohio 43266-0410
(614) 466-2766

Attorneys for Plaintiff



JOHN FERRERO
Law Director
City of Massillon
100 City Hall Street, S.E.
Massillon, OH 44646

Attorney for Defendant

A TRUE COPY TESTED:
HELEN J. GAROFALO, CLERK
By  Deputy
Date 9-22-89

2634E



Attorney General
Anthony J. Celebrezze, Jr.

January 30, 1990

John Ferrero
Law Director
City of Massillon
100 City Hall Street, S.E.
Massillon, OH 44646

RE: City of Massillon Consent Order, Case No. 88-449-0-2

Dear John:

Paragraph 5.b. of the Consent Order, filed on September 22, 1989 requires the city to install, maintain and operate continuous monitoring devices for pH, chlorine residual and dissolved oxygen no later than October 1, 1990. However, there is no continuous chlorine monitoring equipment available that utilizes an Ohio EPA approved method. Therefore the continuous monitoring for chlorine residual should not be installed. Instead monitoring for chlorine residual should be conducted by collecting hourly grab samples of the effluent during the period that the plant is staffed on each day of sampling. The city then should report the critical (highest observed) value.

In addition, although continuous monitoring equipment should not be installed for chlorine residual, continuous monitoring devices for pH and dissolved oxygen should be installed as required by paragraph 5.b.

I will submit to you an amendment to the Consent Order reflecting the above change to the requirement in paragraph 5b. Furthermore, as we have discussed, I will submit to you a revised Order which I would hope could be issued to replace the previous Order.

Sincerely,

Timothy Kern
Timothy Kern
Assistant Attorney General

TK:scy
0098E

Page 1 of 22

OEPA Permit No. 3PE00007*ED

Application No. OH0020516

Effective Date:

Expiration Date: 5 Years

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),

City of Massillon

is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the wastewater treatment works located at 2695 Erie Street South, Massillon, Ohio, Stark County and discharging to the Tuscarawas River in accordance with the conditions specified in Parts I, II and III of this permit.

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.

Richard L. Shank, Ph.D.
Director

3677P

Form EPA 4429

PART I, A, 1 - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the permit expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3PE00007001. SEE PART II, OTHER REQUIREMENTS, for location of effluent sampling.

Reporting Code	UNITS	EFFLUENT CHARACTERISTIC PARAMETER	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration Other Units (Specify)		Loading* kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Cont.	Max. Ind. Therm.
00530	mg/l	Suspended Solids						
		(Summer)	12	18	568	852	Daily	Composite
		(Winter)	30	45	1421	2132	Daily	Composite
00550	mg/l	Oil & Grease	Not to exceed 10.0 at any time				2/Week	Grab
00610	mg/l	Ammonia (N)						
		(Summer)	1.5	2.3	71.0	109.0	Daily	Composite
		(Winter)	-	-	-	-	Daily	Composite
00665	mg/l	Phos., Total	-	-	-	-	Daily	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	Daily	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD ₅						
		(Summer)	10	15	473	710	Daily	Composite
		(Winter)	25	40	1184	1895	Daily	Composite

2. The pH (Reporting Codes 00402 (minimum), 00400 (average) and 00401 (maximum)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored continuously and reported daily.
3. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not greater than 0.5 mg/l and shall be monitored by a continuous measuring device with the critical value reported each day. (Summer Only)**
4. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored by a continuous measuring device with the critical value reported each day.

* The average effluent loading limitations are established using the following flow value: 12.5 MGD

** See Part II, Item G

PART I, A, 1 - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. During the period beginning on the effective date of this permit and lasting until the permit expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3PE00007001. SEE PART II, OTHER REQUIREMENTS, for location of effluent sampling.

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			Avg	Max	Avg	Max		
00335	mg/l	COD	-	-	-	-	Daily	Composite
00615	mg/l	Nitrite (N)	-	-	-	-	Daily	Composite
00620	mg/l	Nitrate (N)	-	-	-	-	Daily	Composite
00625	mg/l	Kjeldahl, TKN(N)	-	-	-	-	1/Week	Composite
00720	mg/l	Cyanide, Total	0.043	0.076	2.03	3.6	1/Week	Grab(1)
01027	ug/l	Cadmium, Total	8.4	15.0	0.40	0.71	1/Week	Composite(2)
01034	ug/l	Chromium, Total	29	41	1.37	1.94	1/Week	Composite(2)
01042	ug/l	Copper, Total	35	111	1.66	5.3	1/Week	Composite(2)
01051	ug/l	Lead, Total	-	29	-	1.37	1/Week	Composite(2)
01067	ug/l	Nickel, Total	74	176	3.51	8.34	1/Week	Composite(2)
01079	ug/l	Silver, Total	-	-	-	-	1/Week	Composite(2)
01092	ug/l	Zinc, Total	262	330	12.40	15.61	1/Week	Composite(2)
01220	ug/l	Chromium (Hex.) Dissolved	16	17	0.76	0.80	1/Week	Composite(2)
32730	ug/l	Phenolics	10	-	0.47	-	1/Week	Grab(1)
71900	ug/l	Mercury	0.2	0.3	0.0095	0.0142	1/Week	Composite(2)

* The average effluent loading limitations are established using the following flow value: 12.5 MGD

(1) See Part II, Item K

(2) See Part II, Item J

PART I, B. - ADDITIONAL MONITORING REQUIREMENTS

1. Influent Monitoring. The permittee shall monitor the treatment work's influent wastewater at Station Number 3PE00007601 and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See PART II, OTHER REQUIREMENTS, for location of influent sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>Reporting Code</u>	<u>Units</u>	<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
00010	°C	Temperature	Continuous	Max. Ind. Therm.
00400	S.U.	pH	Daily	Composite
00530	mg/l	Suspended Solids	Daily	Composite
00625	mg/l	Kjeldahl, TKN (N)	1/Week	Composite
00720	mg/l	Cyanide, (Total)	1/Week	Grab(1)
01027	ug/l	Cadmium, Total	1/Week	Composite(2)
01034	ug/l	Chromium, Total	1/Week	Composite(2)
01042	ug/l	Copper, Total	1/Week	Composite(2)
01051	ug/l	Lead, Total	1/Week	Composite(2)
01067	ug/l	Nickel, Total	1/Week	Composite(2)
01092	ug/l	Zinc, Total	1/Week	Composite(2)
32730	ug/l	Phenolics	1/Week	Grab(1)
71900	ug/l	Mercury, Total	1/Week	Composite(2)
80082	mg/l	CBOD ₅	Daily	Composite(2)

(1) See Part II, Item L
 (2) See Part II, Item J

PART I, B. - ADDITIONAL MONITORING REQUIREMENTS (Cont.)

2. Upstream and Downstream. The permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 3PE00007801, and downstream of the point of discharge at Station Number 3PE00007901, and report to the Ohio EPA in accordance with the following table. See PART II, OTHER REQUIREMENTS for location of sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00010	°C	Temperature	1/Week	Grab
00300	mg/l	Dissolved Oxygen	1/Week	Grab
00400	S.U.	pH	1/Week	Grab
00530	mg/l	Suspended Solids	1/Week	Grab
00610	mg/l	Ammonia (N) (Summer Only)	1/Week	Grab
00720	mg/l	Cyanide, Total*	1/Month	Grab
00900	ug/l	Hardness*	1/Week	Grab
01027	ug/l	Cadmium, Total*	1/Month	Grab
01034	ug/l	Chromium, Total*	1/Month	Grab
01042	ug/l	Copper, Total*	1/Month	Grab
01051	ug/l	Lead, Total*	1/Month	Grab
01067	ug/l	Nickel, Total*	1/Month	Grab
01092	ug/l	Zinc, Total*	1/Month	Grab
01220	ug/l	Chromium (Hex), Dissolved*	1/Month	Grab
31616	Count /100ml	Fecal Coliform* (Summer Only)	1/Week	Grab
32730	ug/l	Phenolics*	1/Month	Grab
50060	mg/l	Chlorine Residual (Summer Only)*	1/Week	Grab
71900	ug/l	Mercury, Total	1/Month	Grab
80082	mg/l	CBOD ₅	1/Week	Grab

* Downstream only.

PART I, B. - ADDITIONAL MONITORING REQUIREMENTS (Cont.)

3. Sludge. The permittee shall monitor the treatment work's final sludge at Station Number 3PE00007581 and report to the Ohio EPA in accordance with the following Table. See PART II, OTHER REQUIREMENTS, for location of Sludge Sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS**</u>	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00611	mg/kg	Nitrogen, Ammonia	1/Week	Composite
00627	mg/kg	Nitrogen, Kjeldahl	1/Week	Composite
01028	mg/kg	Cadmium	1/Week	Composite
01029	mg/kg	Chromium	1/Week	Composite
01043	mg/kg	Copper	1/Week	Composite
01052	mg/kg	Lead	1/Week	Composite
01068	mg/kg	Nickel	1/Week	Composite
01093	mg/kg	Zinc	1/Week	Composite
39519	ug/kg	PCB	1/Year	Composite
70316	Dry Tons	Sludge Weight	Daily	Grab*
70318	%	Percent Total Solids	Daily	Grab
70322	%	Percent Volatile Solids	Daily	Grab
71921	mg/kg	Mercury	1/Week	Composite

* Calculated total for the day reported.

** When disposed of by land application. When sludge is not land applied enter "AH" on the report and explain in the "Additional Remarks" section of the report.

PART I, B. - ADDITIONAL MONITORING REQUIREMENTS (Cont.)

4. Sludge. When sludge is disposed of at the PPG Lime Lakes Demonstration Project the permittee shall monitor the treatment work's final sludge at Station Number 3PE00007582 and report to the Ohio EPA in accordance with the following Table. See PART II, OTHER REQUIREMENTS, for location of Sludge Sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS**</u>	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00611	mg/kg	Nitrogen, Ammonia	1/Week	Composite
00627	mg/kg	Nitrogen, Kjeldahl	1/Week	Composite
01028	mg/kg	Cadmium	1/Week	Composite
01029	mg/kg	Chromium	1/Week	Composite
01043	mg/kg	Copper	1/Week	Composite
01052	mg/kg	Lead	1/Week	Composite
01068	mg/kg	Nickel	1/Week	Composite
01093	mg/kg	Zinc	1/Week	Composite
39519	ug/kg	PCB	1/Year	Grab
70316	Dry Tons	Sludge Weight	Daily	Grab*
70318	%	Percent Total Solids	Daily	Grab
70322	%	Percent Volatile Solids	Daily	Grab
71921	mg/kg	Mercury	1/Week	Composite

* Calculated total for the day reported.

** When disposed of by land filling or at PPG Reclamation site. When sludge is not land filled or disposed of at PPG enter "AH" on report and explain in the "Additional Remarks" section of the report.

An E.P. toxicity analysis shall be performed on dewatered sludge for As, Ba, Cd, Cr, Pb, Hg, Se and Ag on an annual basis.

ART II, OTHER REQUIREMENTS

- A. The wastewater treatment works must be under supervision of a State certified operator as required by Rule 3745-7-02 of the Ohio Administrative Code for a Class IV Operator.
- B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.
- C. Description of the location of the required sampling stations are as follows:
- | <u>Sampling Station</u> | <u>Description of Location</u> |
|-------------------------|--|
| 3PE00007001 | Plant final effluent |
| 3PE00007581 | Digested sludge prior to disposal by land application |
| 3PE00007582 | Dewatered sludge prior to disposal at PPG Reclamation Site or appropriate landfill |
| 3PE00007601 | Raw influent |
| 3PE00007801 | Upstream |
| 3PE00007901 | Downstream |
- D. Composite samples shall be comprised of a series of grab samples collected over a 24 hour period and proportionate in volume to the sewage 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 overall performance.
- E. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
- F. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.
- G. The chlorine residual limitation is being reevaluated by Ohio EPA. Upon completion of reevaluation a more stringent chlorine residual limitation may be required and this permit may be modified to incorporate the revised limitation.
- H. The permittee shall comply with the requirements under Section 201(b) through (g) of P.L. 95-217 consistent with the terms of the permittee's construction grant.
- I. Final permit limitations based on preliminary or approved waste load allocations or Comprehensive Water Quality Reports are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

PART II, OTHER REQUIREMENTS (Cont.)

- J. Sampling for these parameters at station 3PE00007001 and 3PE00007601 shall occur the same day.
- K. Sampling at station 3PE00007001 for these parameters shall occur one detention time (the time it takes for a volume of water to travel through the treatment plant) after sampling at station 3PE00007601 for the same parameters on the same day.
- L. Sampling at station 3PE00007601 for these parameters shall occur one detention time (the time it takes for a volume of water to travel through the treatment plant) prior to sampling at station 3PE00007001 for the same parameters on the same day.
- M. POTWs that accept hazardous wastes by truck, rail or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit by rule" regulation found at 40 CFR 270.60(c), a POTW must 1) comply with all conditions of its NPDES permit, 2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA, 3) satisfy corrective action requirements, and 4) meet all Federal, State and local pretreatment requirements.

N. BIOMONITORING PROGRAM

As soon as possible but not later than two months after the effective date of this permit the entity shall initiate an effluent biomonitoring program to determine the toxicity of its effluent.

Testing Requirements:

1. Chronic Bioassays:

The entity shall conduct quarterly 7-day Ceriodaphnia Survival and Reproduction Tests and 7-day fathead minnow (Pimephales promelas) Larval Survival and Growth Tests for a period of one year. Twenty-four hour composite samples of the final effluent from outfall 3PE00007001 shall be collected during three separate 24-hour compositing periods; these samples will be used for daily renewal of test solutions. The maximum holding time allowed between collection of a 24-hour composite sample and use for the first renewal of test solutions is 36 hours. The first sample should be collected to initiate the test (Day 0) and to renew the test solutions at 24 hours (Day 1). The second sample should be collected to renew test solutions at 48 hours (Day 2) and 72 hours (Day 3). The third sample should be collected to renew test solutions at 96 hours (Day 4), 120 hours (Day 5) and 144 hours (Day 6). In addition, grab samples collected in the Tuscarawas River will be tested to evaluate near and far field impacts. See Item 4 under testing protocol for specifics on sampling locales. Endpoints for acute toxicity shall be recorded after 48 hours for Ceriodaphnia and after 96 hours for Pimephales promelas.

PART II, OTHER REQUIREMENTS (Cont.)

N. Continued

2. Chemical Analysis:

Chemical sampling must accompany each water sample taken for bioassay analysis. Bioassay water sampling may be coordinated with other permit sampling requirements as appropriate to avoid duplication. The analyses detailed in the Final Effluent Limitations and Monitoring Requirements tables should be conducted for the water sample. In addition alkalinity and hardness (as CaCO₃) should also be measured. Chemical analyses must comply with Ohio EPA accepted procedures.

Testing Protocol:

1. The test shall be conducted using procedures contained in the Ohio EPA Quality Assurance Manual (or current revisions). Any request to use a different methodology must be approved by the OEPA prior to the initiation of testing.
2. The permittee shall determine a median lethal concentration (LC50) and/or medial effective concentration (EC50) for acute and chronic bioassays, and a lowest observed effect concentration (LOEC) and a no observed effect concentration (NOEC) for chronic bioassays for each test species.
3. A minimum of 5 effluent concentrations (eg. 100, 56, 32, 19, and 10 percent by effluent volume) shall be used in each effluent bioassay. Dilution and control water shall be collected as a grab sample at a site upstream of the outfall (outside the zone of effluent and receiving water interaction). Reconstituted water or rearing unit water (water in which the test organisms were reared) shall be used as a second dilution and control water in the event that receiving stream water as described above shows signs of toxicity. If, in any control (rearing or ambient), more than 10 percent of the test organisms die in 96 hours, or more than 20 percent of the test organisms die in 7 days that test (control and effluent) shall be repeated.
4. Testing of ambient water shall be conducted as follows. In conjunction with the chronic tests of the effluent, an instream grab sample shall be collected at a point located midplume or if a plume no longer exists midstream 120 meters (400 feet) downstream from Outfall 3PE00007001 to determine chronic effects. In conjunction with the acute and chronic tests of the effluent, an instream grab sample shall be collected at a point located within the effluent plume 6 meters (20 feet) downstream from Outfall 3PE00007001. The location of the effluent plume should be confirmed at the time of sampling using temperature measurements, conductivity measurements, or a dye study. A detailed mixing zone study can be used to justify an alternative far field sample location upon prior approval by the Ohio EPA. Bioassays of these instream samples will determine if near or far field impacts are occurring.

PART II, OTHER REQUIREMENTS (Cont.)

N. Continued

4. Testing of ambient water shall be conducted as follows. In conjunction with the chronic tests of the effluent, an instream grab sample shall be collected at a point located midplume or if a plume no longer exists midstream 120 meters (400 feet) downstream from Outfall 3PE00007001 to determine chronic effects. In conjunction with the acute and chronic tests of the effluent, an instream grab sample shall be collected at a point located within the effluent plume 6 meters (20 feet) downstream from Outfall 3PE00007001. The location of the effluent plume should be confirmed at the time of sampling using temperature measurements, conductivity measurements, or a dye study. A detailed mixing zone study can be used to justify an alternative far field sample location upon prior approval by the Ohio EPA. Bioassays of these instream samples will determine if near or far field impacts are occurring.

Reporting:

All bioassay results shall be submitted in duplicate to the Ohio EPA Central Office no later than 60 days following the sampling date. One copy shall be routed to the Division of Water Pollution Control - Permits Section and one copy shall be routed to the Division of Water Quality Monitoring and Assessment - Water Appraisal Group.

Results to be reported for acute bioassays include:

1. Name of testing laboratory.
2. Effluent tested and source.
3. Receiving water used.
4. Date and times of sample collection.
5. Collector(s) name(s).
6. Type of bioassay.
7. Test organisms used.
8. Test organisms origin and acclimation process.
9. Number of organisms per container and per concentration.
10. Test containers size, number per concentration, and depth of test solution.
11. Concentrations tested and volume.
12. Test Temperature.
13. Results of chemical analyses.

PART II, OTHER REQUIREMENTS (Cont.)

N. Continued

14. Results of physiochemical measurements taken.
15. Definition of adverse effects measured in the test (endpoints).
16. Number of organisms in each concentration showing the adverse effects at specified times.
17. Median lethal concentrations and/or the median effective concentrations at 24, 48, 72 and 96 hours, and confidence limits, and methods used for these calculations.
18. Any other relevant information.

O. PRETREATMENT PROGRAM REQUIREMENTS

Pursuant to the requirements of 40 CFR 403.8(c) and Section 6111.03(Q)(3), the permittee's Publicly Owned Treatment Works (POTW) pretreatment program approved by the Director, including conditions of such approval, is hereby incorporated by reference as a term and condition of this permit. To ensure that the approved program is operated in accordance with 40 CFR Part 403 and Chapter 6111 of the Revised Code, the permittee shall comply with the following conditions:

1. Control and Enforcement

Enforcement

The permittee shall enforce all pretreatment requirements and pretreatment standards, including, but not necessarily limited to, national categorical pretreatment standards, reporting requirements, and industrial user prohibitions and limitations contained in the permittee's sewer use ordinance and/or supporting documents. The permittee shall require the submission of, receive, and review self-monitoring reports and other notices from industrial users in accordance with the approved pretreatment program and modifications thereof. The permittee shall carry out inspection, surveillance, and monitoring activities which will determine, independent of information supplied by industrial users, whether the industrial users are complying with industrial user limitations and other pretreatment requirements.

Notification

The permittee shall notify affected industrial users of program requirements. These notifications shall include, but not necessarily be limited to, notification of effective categorical standards, notification of baseline monitoring requirements, notification of local limitations, notification of RCRA requirements, and notification of noncompliance.

PART II, OTHER REQUIREMENTS (Cont.)

O. Continued

Compliance Schedules

The permittee shall require the development of compliance schedules, as necessary, by each industrial user for the installation and operation of control technologies to meet applicable industrial user discharge limits and other pretreatment requirements.

Publication of Violations

On or prior to September 30th of each year, the permittee shall publish a list of industrial users that have significantly violated the permittee's sewer use ordinance during the previous 12 months in the largest daily newspaper in the area served by the POTW. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance, which is part of a pattern of noncompliance over a 12 month period, which involves a failure to accurately report noncompliance, or which resulted in the permittee taking an emergency action against the user.

2. Inventories

Industrial Discharge: General Character and Volume

The permittee shall maintain a current inventory of the general character and volume of wastewaters that industrial users discharge to the treatment works and shall update the industrial users inventory annually and report any changes as part of the annual program effectiveness review required by this permit.

Priority Pollutants and Additional Organic Compounds

The permittee shall conduct an annual inventory of priority pollutants as defined by the U.S. EPA and shall identify and quantify additional organic compounds which occur in the influent, effluent, and sludge. The inventory shall consist of:

Sampling and analysis of influent and effluent

Sampling shall be conducted on a day when industrial discharges are occurring at normal or maximum levels. The samples shall be 24 hour flow proportioned composites, except for volatile organics, which shall be taken by appropriate grab sampling techniques. Analysis for the U.S. EPA organic priority pollutants shall be performed using U.S. EPA methods 624 and 625. Sampling of the influent shall be done prior to the introduction of recycling streams. Sampling of the effluent shall be done prior to chlorination.

Sampling and analysis of sludge sample(s)

Two sludge samples are to be analyzed for priority pollutants using USEPA methods 624-S and 625-S (modified for sludge analysis). Compositing of sludge samples shall be done immediately prior to extraction or any other analysis procedures to be carried out on the sample. The amount of sludge wasted on the day of sampling is to be reported. The samples shall be taken as follows:

PART II, OTHER REQUIREMENTS (Cont.)

O. Continued

- a. One sample shall be representative of sludge in the final clarifier(s). The sample shall be a composite of grab samples taken at a minimum of four (4) different locations in the final clarifier, or of grab samples taken from each clarifier, on the same day as influent and effluent samples.
- b. Another sample shall be a composite of grab samples, representative of sludge removed to final disposal, taken over a period of two (2) weeks when industrial discharges are occurring at normal to maximum levels. At least one (1) grab sample shall be taken each day on which sludge is removed to final disposal.

Sample collection, storage, and analysis shall conform to the procedures recommended by the Ohio EPA. Special sampling and/or preservation techniques will be required for those pollutants which deteriorate rapidly. The Ohio EPA will provide additional guidance on sample collection, storage, and analysis at the permittee's request.

In addition to the priority pollutants, a reasonable attempt shall be made to identify and quantify the ten most abundant constituents of each fraction (excluding priority pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms) more than ten times higher than the adjacent background noise. Identification shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate based upon comparison with an internal standard.

The annual inventory for priority pollutants and the identification and quantification of additional organic compounds shall be included as part of the annual program review. Results of this inventory shall be reported on Form EPA 4221 (Pri-Form 126).

3. Reporting

All reports required under this section shall be submitted to the following address in duplicate.

Ohio Environmental Protection Agency
Pretreatment Unit
P. O. Box 1049
Columbus, Ohio 43266-0149

Industrial User Violation Report

On or prior to the 15th day of each January, April, July, and October, the permittee shall report the industrial users that are in violation of the permittee's sewer use ordinance. The report shall include a description of corrective actions that have been taken to resolve the violations.

PART II, OTHER REQUIREMENTS (Cont.)

O. Continued

Annual Report

On or prior to of each year, the permittee shall submit in duplicate, an annual report on the effectiveness of the pretreatment program. Annual report preparation guidance should be obtained from Ohio EPA. The report shall include, but not be limited to, the following components:

- a. A complete industrial user inventory including the local classification and applicable categorical standards;
- b. A description of the monitoring program, including the number of inspections and sampling events conducted at each industrial facility by the POTW, and the number of sampling events conducted and reports submitted by each industrial user;
- c. A description of all upset, pass-through or interference incidents at the POTW, including the reason and the corrective action taken;
- d. A discussion of program effectiveness, including adequacy, accomplishments, problems and recommended program modifications. This shall include a review for consistency with any changes in State and/or Federal pretreatment regulations that have occurred during the year and, if necessary, a pretreatment program modification request to incorporate the changes;
- e. The priority pollutant scan described in Part II, Item 2;
- f. A copy of the annual publication of significant violators.

Program Modifications

Any modification of the approved pretreatment program must be submitted to the Ohio EPA for review, on forms available from Ohio EPA. If the modification is deemed to be substantial, prior approval must be obtained before implementation; otherwise it is considered to be effective 45 days after the date of application. A substantial program modification shall include, but not be limited to, changes to the POTW's legal authority, POTW control mechanism, local limits, pretreatment program resources, POTW confidentiality procedures, a decrease in the frequency of industrial user self-monitoring or reporting, and a decrease in the frequency of industrial user inspections or sampling conducted by the POTW.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

Winter shall be considered to be the period from November 1 thru 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 thru 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.

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 the Ohio EPA as specified in the Paragraph in this PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

- A. Monitoring data required by this permit shall be reported on the Ohio EPA report form (4500) on a monthly basis. Individual reports for each sampling station for each month are to be received no later than the 15th day of the next month. The original plus first copy of the report form must be signed and mailed to:

Ohio Environmental Protection Agency
Div Water Pollution Control
Enforcement Section, ES/MOR
PO Box 1049
Columbus, Ohio 43266-0149

- B. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.
- C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

5. SAMPLING AND ANALYTICAL METHODS

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

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, 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; and
- D. All plant operation and maintenance records.
- E. All reports required by this permit.
- F. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application.

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

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate District Offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in the Ohio Revised Code Section 6111.99.

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 C. 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 will meet 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 (one hour notice).

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. The permittee shall by telephone report any of the following within one hour of discovery, at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;
2. Any unanticipated bypass which exceeds any effluent limitation in the permit;
3. Any upset which exceeds any effluent limitation in the permit; or
4. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.

B. For these telephone reports, the following information must be included:

1. The times at which the discharge occurred, and was discovered;
2. The approximate amount and the characteristics of the discharge;
3. The stream(s) affected by the discharge;
4. The circumstances which created the discharge;
5. The names and telephone numbers of the persons who have knowledge of these circumstances;
6. What remedial steps are being taken; and
7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA District office. The report shall include the following:

1. The limitation(s) which has been exceeded;
2. The extent of the exceedance(s);
3. The cause of the exceedance(s);
4. The period of the exceedance(s) including exact dates and times;
5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
6. Steps being taken to reduce, eliminate and/or prevent recurrence of the exceedance(s).

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. a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- B. Pursuant to rule 3745-33-06, 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 cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility, until the following requirements are met:

- 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 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 permittees (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;
- C. The Director does not exercise his right within thirty days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to modify or revoke the permit and to require that a new application be filed; and
- D. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

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 Act.

21. SOLIDS DISPOSAL

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

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.

D. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the Schedule of Compliance, the permittee shall submit a written report to the appropriate District Office of the Ohio EPA within 14 days of becoming aware of such 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 instances of noncompliance not reported under paragraphs A, C, or D of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph C of this section.
- F. 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.

13. RESERVED14. 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(1) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

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 nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

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 1.

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(b) and (c).

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

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. DRC 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. DRC 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. DRC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both.

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.