

IN THE COURT OF COMMON PLEAS  
LOGAN COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. 87-199
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	
	:	
Plaintiff,	:	JUDGE HADLEY
	:	
v.	:	
	:	
CITY OF BELLEFONTAINE,	:	
	:	
Defendant.	:	

FILED  
Aug 7, 1989

AMENDED CONSENT DECREE

A Consent Decree having been filed in this matter on July 9th, 1987; and a Motion to Amend Consent Decree having been filed by the State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr.; and Plaintiff and Defendant having consented to entry of this Amended Decree:

NOW, THEREFORE, without trial of any issue of fact or law, and without admission or denial of any allegation in the Charges in Contempt nor any liability therefore and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 6111 of the Ohio Revised Code and the Consent Decree filed on July 9, 1987. The contempt charges state a claim upon which relief can be granted against the City under these statutes. This Court has jurisdiction over the

parties hereto. Venue is proper in this Court. This Amended Consent Decree shall govern all matters between the parties in case #87-199. The provisions of the Consent Decree of July 9, 1987 shall be and are revoked by the signing and filing of this Amended Decree.

## II. PARTIES

2. The provisions of this Amended Consent Decree shall apply to and be binding upon the Defendant. The provisions of this Amended Consent Decree shall further apply to the Mayor of the City of Bellefontaine, the members of the City Council of the City of Bellefontaine and their successors in office. In addition, the provisions of this Amended Consent Decree shall apply to all persons, corporations or other entities having notice of this Amended Consent Decree, who are or will be acting in concert and privity with the Defendant or its employees, successors, subsequent office holders and assigns.

## III. COMPLIANCE SCHEDULE

3. The Defendant shall, except for the discharge limitations and monitoring requirements as provided below, meet all terms and conditions of NPDES permit #1PD00000GD and modifications thereto.

4. Defendant shall achieve compliance with the terms, conditions and tables contained herein, as soon as possible but not later than the dates established in accord with the following compliance schedule:

- A. Defendant shall not knowingly allow, at any time, process wastewater from J.P. Industries, Spruce and Greenwood Streets, Bellefontaine, Ohio to be discharged to the new Publicly Owned Treatment Works ("POTW") 600 South Troy Road, Bellefontaine, Ohio without prior treatment at the pretreatment facility located at Spruce and Greenwood Streets, adjacent to DAB Industries.
- B. Defendant's POTW shall be in compliance with the following discharge limitations and monitoring requirements upon the filing of this Amended Consent Decree. (See following tables). Each discharge limitation and monitoring requirement shall remain in effect until the final compliance date referenced in D, i, at which time compliance with the final effluent limitations is required. These limitations replace and supercede all existing discharge limitations in permit #1PD00000GD and the Consent Decree filed on July 9, 1987.

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 1PD00000001. Locations of effluent sampling shall be identical to those provided for in proposed NPDES permit #1PD00000\*HD, attached hereto:

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>
Reporting Code	UNITS PARAMETER	Concentration Other Units (Specify)	Loading* kg/day		Meas. Freq.	Sample Type
		30 day	7 day	30 day	7 day	
00630	mg/l NO <sub>2</sub> + NO <sub>3</sub>	-	-	-	-	1/Week Composite
01027	ug/l Cadmium	Not to exceed 13 at any time				1/Week Composite*
01220	ug/l Chromium Hex Dissolved	-	-	-	-	1/Week Composite*
01034	ug/l Chromium Total	-	-	-	-	1/Week*Composite*
01042	ug/l Copper	Not to exceed 80 at any time				1/Week Composite*
01051	ug/l Lead	Not to exceed 45 at any time				1/Week Composite*
01067	ug/l Nickel	Not to exceed 699 at any time				1/Week Composite*
01092	ug/l Zinc	Not to exceed 375 at any time				1/Week Composite*
71900	ug/l Mercury	Not to exceed 0.77 at any time				1/Week Composite*
00720	ug/l Cyanide, Total	-	-	-	-	1/Week Grab

\* Sampling for these parameters at station 1PD00000001 and station 1PD00000601 shall occur the same day

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: LPD00000001. 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 Other Units (Specify)		Loading* kg/day		Meas. Freq.	Sample Type
		30 day	7 day	30 day	7 day		
00010	°C Temperature	-	-	-	-	Daily	Max. Ind.
00530	mg/l Susp. Solids	12	18	159.2	238.8	2/Week	Composite
00550	mg/l Oil & Grease	-	-	-	-	1/Month	Grab
00610	mg/l Ammonia (N)						
	(Summer)	1.5	2.75	19.8	29.8	3/Week	Composite
	(Winter)	3.0	4.5	39.8	59.7	3/Week	Composite
31616	Count Fecal Coliform /100 ml (Summer Only)	1000	2000	-	-	3/Week	Grab
50050	MGD Flow	-	-	-	-	Daily	Continuous
80082	mg/l CBOD <sub>5</sub>						
	(Summer)	15	22.5	199.0	298.5	3/Week	Composite
	(Winter)	25	40	331.6	530.6	3/Week	Composite

- The pH (Reporting Codes 00401 maximum and 00402 minimum) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 3 times per day by grab sample, with the minimum and maximum values being reported.
- The Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 3 times per day by grab sample, with the highest value being reported. (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 3 times per day by grab sample, with the lowest value being reported.

\* The average effluent loading limitations are established using the following flow value: 3.5 MGD.

C. Defendant shall designate a person responsible for: implementation of the City of Bellefontaine's pretreatment program, compliance with the terms of this Amended Consent Decree and the attachments thereto, compliance with the conditions in the final NPDES permit once issued, and submission of Ohio EPA required reports. Within six months of the date of filing this decree Defendant shall hire an additional person to be employed on a full-time basis in its pretreatment program. Defendant shall also provide, within two weeks of the filing of this document, the names, job titles and responsibilities, of all those associated in any way with the pretreatment and NPDES programs. This information is to be supplemented as appropriate.

D. Defendant shall implement and enforce Bellefontaine's Approved Pretreatment Program No. 85-79 subject to the following schedule:

- i. Defendant shall submit a detailed proposal including a schedule for attaining compliance with the proposed final NPDES limitations listed in Attachment A, within 90 days of filing of this consent decree. Upon OEPA's approval of the proposal, the compliance schedule will become a part of this Amended Decree.

- a. In the event that the proposal is unacceptable to OEPA, Defendant shall submit a corrected and approvable proposal within 15 days of receiving written notice of OEPA's non-acceptance.
  - b. This proposal shall include a description of the ongoing program to identify and eliminate sources of mercury. Analytical results of collection system and plant influent samples must be submitted with this proposal.
- ii. Defendant shall comply with the pretreatment program requirements contained in Part II(K) of Attachment A.
  - iii. Defendant shall develop local limitations for all parameters identified in the approved pretreatment program, which will ensure compliance with the final NPDES limits and prevent inhibition of POTW processes and conform to the approved sludge disposal method. These local limitations and supporting documentation shall be submitted to OEPA within 90 days of filing this Consent Decree. In the event these local limitations are different than those in the approved program Defendant shall also file a program modification request within this same 90 day period. These local limits are subject to OEPA written approval.

- a. In the event that any of the proposed local limits are unacceptable to OEPA, Defendant shall submit local limitations for all such parameters within 15 days of receiving written notice of OEPA non-acceptance.
- iv. Defendant shall issue industrial waste discharge permits, after said permits are modified to include approved local limitations, including compliance schedules, using National Categorical Standards where applicable, to all of the industrial users of Defendant's POTW within 14 days of notification by Ohio EPA that the local limitations referenced in paragraph (iii), above, are acceptable. All discharge permits are to be submitted to and approved by OEPA.
- v. Defendant shall commence the OEPA approved program to monitor industrial user compliance with said permits within 15 days of OEPA approval of the issuance of the discharge permits.
- vi. Defendants shall submit an approvable enforcement management system within 30 days of filing of this Amended Decree.
  - a. In the event any portion of the system is unacceptable to EPA, Defendant shall submit a corrected proposal within 15 days of receiving written notice of OEPA non-acceptance.



(E) (F) Defendant shall comply with the terms and conditions of its approved sludge management plan.

IV. REPORTING

5. Every (30) days after filing of this Amended Decree, Defendant shall report to the Director of Environmental Protection and to the Southwest District Office of OEPA its compliance or non-compliance with such milestone dates, and any other specific information related to Defendant's compliance or non-compliance with this Amended Consent Decree.

VI. OTHER STATUTES AND REGULATIONS

6. Nothing in this Amended Consent Decree shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the City. Both Defendant and Plaintiff reserve all rights and privileges except as specified herein.

VII. MISCELLANEOUS

7. The Court shall retain jurisdiction of this matter for the purpose of enabling any party to apply to the court for any further orders necessary to construe, carry out, modify, or enforce compliance with the terms of this Consent Decree.

8. All reports, requests, information submitted to Plaintiff by Defendant pursuant to this Consent Decree shall be submitted to as specified herein to:

Manager of Wastewater Permit Section  
Ohio Environmental Protection Agency  
1800 WaterMark Drive  
Columbus, OH 43266-0149

and

Unit Supervisor  
Wastewater  
Southwest District Office  
Ohio Environmental Protection Agency  
40 South Main Street  
Dayton, OH 45402

and to such persons and addresses as may hereafter be otherwise specified, in writing, by Plaintiff to Defendant.

VIII. PENALTIES

9. Defendant shall pay, pursuant to Ohio Revised Code 6111.08, a civil penalty of Thirty-Three Thousand Dollars \$33,000. This penalty includes the unpaid \$8,000 pursuant to the original Consent Decree. \$17,000 shall be paid on or before October 1, 1989 and the remaining \$16,000 shall be paid on or before January 31, 1990. This penalty shall be paid by delivering a certified check to Plaintiff's counsel payable to "Treasurer, State of Ohio".

10. Should Defendant fail to demonstrate compliance with any of the terms of this Consent Decree, Defendant shall pay a stipulated civil penalty of one thousand dollars (\$1,000) per day for each day of the first thirty (30) days of non-compliance until such time as compliance is demonstrated. Defendant shall pay two thousand dollars (\$2,000) per day for each day of non-compliance thereafter.

11. Defendant shall pay the stipulated penalties in paragraph 10 within seven (7) days of notice of violation from Ohio EPA by delivering a certified check to Plaintiff's counsel payable to "Treasurer, State of Ohio" in the appropriate amount in full. These stipulated penalties are not to be suspended in whole or in part. Defendant, by signing this document, waives all rights it may have to contest the imposition of these stipulated penalties for violations of this Amended Decree except the defense that they did in fact comply with said paragraphs.

12. Plaintiff may choose not to demand payment of the stipulated penalties described above in situations where Plaintiff believes stipulated penalties are not adequate to facilitate compliance. On occasions where Plaintiff chooses not to demand the payment of the stipulated civil penalty pursuant to Paragraphs 14 and 15 above for a failure to demonstrate compliance or on occasion where Defendant otherwise violates the terms of this Amended Decree, Plaintiff reserves whatever rights it has in contempt or otherwise to seek redress for these violations.

#### X. INJUNCTION

13. Defendant is prohibited and enjoined from violating Ohio Revised Code Chapter 6111 and all regulations adopted under said chapter.

XI. COSTS

14. The Costs of this action are hereby assessed against the Defendant.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE, COURT OF COMMON PLEAS

APPROVED:

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

  
\_\_\_\_\_  
J. MICHAEL MAROUS

JAMES O. PAYNE, JR.  
Assistant Attorneys General  
Environmental Enforcement  
Section  
30 E. Broad Street, 17th Floor  
Columbus, OH 43266-0410  
(614) 466-2766

DEFENDANT  
CITY OF BELLEFONTAINE

\_\_\_\_\_  
RICHARD J. VICARIO  
Mayor  
City of Bellefontaine  
135 North Detroit  
Bellefontaine, Ohio 43311

\_\_\_\_\_  
HOWARD TRAUH II  
City Law Director  
City of Bellefontaine  
121 East Columbus Avenue  
Bellefontaine, Ohio 43311

ATTACHMENT A

46/SW

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OEPA Permit No. 1PD00000\*HD

Application No. OH0024066

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),

**The City of Bellefontaine**

is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the wastewater treatment works located

at 600 South Troy Road, Bellefontaine, Ohio, Logan County

and discharging to Possum Run Creek

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.

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Warren W. Tyler  
Director

3638P

Form EPA 4429

**PART I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning on the effective date of this permit and lasting until the expiration date the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 1PD00000001. 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)	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Max. Ind. Therm.
00530	mg/l	Suspended Solids	12	18	159.2	238.8	3/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Month	Grab
00610	mg/l	Ammonia (N)						
		(Summer)	1.5	2.75	19.8	29.8	3/Week	Composite
		(Winter)	3.0	4.5	39.8	59.7	3/Week	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	3/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>						
		(Summer)	15	22.5	199.0	298.5	3/Week	Composite
		(Winter)	25	40	331.6	530.6	3/Week	Composite

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 3 times per day by grab sample, with all values being reported.
3. The Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 3 times per day by grab sample, with the highest value being reported. (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 3 times per day by grab sample, with the lowest value being reported.

\* The average effluent loading limitations are established using the following flow value: 3.5 MGD

PART I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont.)

5. 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 the following outfall: 1PD00000001. 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)	30 day	7 day	30 day		
00630	mg/l	NO <sub>2</sub> + NO <sub>3</sub>	-	-	-	-	1/Week	Composite
01027	ug/l	Cadmium	Not to exceed 4.5 at any time				2/Month	Composite**
01032	ug/l	Chromium(Hex)(1)	-	-	-	-	2/Month	Composite**
01033	ug/l	Chromium(Tri)(1)	-	-	-	-	2/Month	Composite**
01042	ug/l	Copper	Not to exceed 28.5 at any time				1/Week	Composite**
01051	ug/l	Lead	Not to exceed 45 at any time				1/Week	Composite**
01067	ug/l	Nickel	Not to exceed 699 at any time				1/Week	Composite**
01092	ug/l	Zinc	Not to exceed 375 at any time				2/Month	Composite**
71900	ug/l	Mercury	Not to exceed 0.3 at any time				2/Month	Composite**
00722	ug/l	Cyanide,Free(1)	-	-	-	-	2/Month	Grab

\* The average effluent loading limitations are established using the following flow value: N/A

\*\* See Part II, Item I.

(1) See Part II, Item J.

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

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 1PD00000001. 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			
		30 day	7 day	30 day	7 day		
00010 °C	Temperature	-	-	-	-	Daily	Max. Ind. Therm.
00530 mg/l	Suspended Solids	12	18	159.2	238.8	3/Week	Composite
00550 mg/l	Oil & Grease	-	-	-	-	1/Month	Grab
00610 mg/l	Ammonia (N)						
	(Summer)	1.5	2.75	19.8	29.8	3/Week	Composite
	(Winter)	3.0	4.5	39.8	59.7	3/Week	Composite
31616 Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	3/Week	Grab
50050 MGD	Flow	-	-	-	-	Daily	Continuous
80082 mg/l	CBOD <sub>5</sub>						
	(Summer)	15	22.5	199.0	298.5	3/Week	Composite
	(Winter)	25	40	331.6	530.6	3/Week	Composite

2. The pH (Reporting Codes 00401 (maximum) and 00402 (minimum)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 3 times per day by grab sample, with all values being reported.
3. The Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 3 times per day by grab sample, with the highest value being reported. (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 3 times per day by grab sample, with the lowest value being reported.

\* The average effluent loading limitations are established using the following flow value: 3.5 MGD



PART I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont.)

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 1PD00000001. 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		
00630	mg/l	Nitrate (N) + Nitrite (N)	-	-	-	-	1/Week	Composite
00720	mg/l	Cyanide, Total	-	-	-	-	2/Month	Grab
01027	ug/l	Cadmium, Total	Not to exceed 3.9 at any time				2/Month	Composite**
01034	ug/l	Chromium, Total	Not to exceed 156 at any time				2/Month	Composite**
01042	ug/l	Copper, Total	Not to exceed 27 at any time				1/Week	Composite**
01051	ug/l	Lead, Total	Not to exceed 25 at any time				1/Week	Composite**
01067	ug/l	Nickel, Total	Not to exceed 283 at any time				1/Week	Composite**
01092	ug/l	Zinc, Total	Not to exceed 155 at any time				2/Month	Composite**
01220	ug/l	Chromium (Hex) Dissolved	Not to exceed 15 at any time				2/Month	Grab
71900	ug/l	Mercury, Total	Not to exceed 0.3 at any time				2/Month	Composite**

\* The average effluent loading limitations are established using the following flow value: N/A

\*\* See Part II, Item I.

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

3. Sludge. The permittee shall monitor the treatment work's final sludge at Station Number 1PD00000581 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
00400	S.U.	pH	1/Month	Composite
01028	mg/kg	Cadmium	1/Month	Composite
01029	mg/kg	Chromium	1/Month	Composite
01043	mg/kg	Copper	1/Month	Composite
01052	mg/kg	Lead	1/Month	Composite
01068	mg/kg	Nickel	1/Month	Composite
01093	mg/kg	Zinc	1/Month	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/Month	Composite

\* Calculated total for the day reported.

\*\* When sludge is not wasted enter "AH" on report and explain in the "Remarks Section".

**PART 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 III Operator.
- B. Description of the location of the required sampling stations are as follows:

<u>Sampling Station</u>	<u>Description of Location</u>
1PD00000001	Final effluent to Possum Run Creek.
1PD00000581	Liquid sludge to disposal.
1PD00000601	Raw sewage influent.
1PD00000801	Upstream at Troy Street.
1PD00000901	Downstream at County Road 11 on Blue Jacket Creek.

- C. In addition to the reporting required by the paragraph entitled "REPORTING" in PART III, General Conditions, effluent monitoring results obtained in accordance with Part I. A, during each month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1 or T-40 as appropriate), to be received no later than the 15th of the next month. The original copy of the report form shall be signed and mailed to:

Attention: Kenneth Fenner, Chief  
U.S. EPA - Region V (5WQP)  
Water Quality Branch  
230 S. Dearborn Street  
Chicago, Illinois 60604

- D. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays and Holidays). On those days report "AN" on the monthly report form.
- E. 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.
- F. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
- G. 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.
- H. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.
- I. Sampling for these parameters at station 1PD00000001 and station 1PD00000601 shall occur the same day.
- J. The date collected for these parameters will be used within 12 months to develop effluent limits for these pollutants.

PART II, OTHER REQUIREMENTS (Cont.)

K. 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.

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 June 15 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.

PART II, OTHER REQUIREMENTS (Cont.)

K. Continued

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:

- 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.

PART II, OTHER REQUIREMENTS (Cont.)

K. Continued

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 Effluent Quality

On or prior to the 15th day of each May and November, the permittee shall report to the Ohio EPA the effluent quality of each industrial user that is to be in compliance with national categorical pretreatment standards. The information reported shall include all self-monitoring reports and all scheduled and unscheduled monitoring by the permittee since the last report to Ohio EPA. The permittee shall report this data on Form EPA 4500.

Industrial User Violation Report

On or prior to the 15th day of each March, June, September, and December, 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.)

K. Continued

Annual Report

On or prior to June 15 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.

Local Limitations

The permittee shall evaluate the technical justification for local limitations and submit proposed modifications or a proposal to retain existing local limitations with appropriate justification to the Ohio EPA at the time the permittee's permit renewal application is submitted (180 days prior to expiration of this permit). This information shall be submitted to the appropriate district office.

## 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 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 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.



**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).

**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. 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(i) 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. 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.

**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. 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 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.