

**FILED**

2026 MAY 26 AM 10:39

CHRISTINA M. PORTER  
CLERK OF COURTS  
HARRISON COUNTY, OH

**IN THE COURT OF COMMON PLEAS  
HARRISON COUNTY, OHIO**

**STATE OF OHIO ex rel.  
DAVE YOST  
ATTORNEY GENERAL OF OHIO  
30 East Broad Street  
25<sup>th</sup> Floor  
Columbus, Ohio 43215**

**Plaintiff,**

**v.**

**THE VILLAGE OF HARRISVILLE  
P.O. Box 209  
Harrisville, Ohio 43974**

**Defendant.**

**CASE NO. CVH-2026 -  
0059**

**JUDGE  
T. Shawn Hervey**

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**COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTY**

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**NATURE OF THE ACTION**

The State of Ohio brings this action to address past and ongoing violations of Ohio's water pollution control laws set forth in Ohio Revised Code ("R.C.") Chapter 6111, and the rules adopted thereunder. Defendant the Village of Harrisville's ("Defendant" or "the Village") failure to operate and maintain its wastewater treatment plant threatens human health, safety, and the environment and violates Ohio's water pollution control laws and rules.

Plaintiff, the State of Ohio ("State"), on relation of the Attorney General, Dave Yost, and at the written request of the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), hereby institutes this action against Defendant to enforce Ohio's water pollution control laws contained in R.C. Chapter 6111, and the rules adopted thereunder.

The State alleges as follows:

## GENERAL ALLEGATIONS

1. Defendant Village of Harrisville is a municipal corporation located in Harrison County, Ohio.
2. Defendant is the proper party to this Complaint.
3. Defendant is, and at all times relevant to this Complaint, has been a “person” as that term is defined under R.C. 1.59(C), 6111.01(I), and Adm.Code 3745-33-01(P)(1).

## FACTUAL BACKGROUND

4. The Village owns and operates a wastewater treatment plant located 500 feet east of Township Road 82 on S. Back Street, Harrisville, Harrison County, Ohio, 43974.
5. The Village’s wastewater treatment plant is a small batch reactor plant designed to treat 32,000 gallons per day.
6. The Village’s wastewater treatment plant is designed to treat wastewater from the Village, which includes approximately 90 homes and 259 residents.
7. The Village’s wastewater treatment plant discharges effluent to the headwaters of Sloan Run. Sloan Run is a “water of the state” as defined by R.C. 6111.01(H).
8. The discharges from the Village’s wastewater treatment plant are “sewage” and/or “other wastes” as defined by R.C. 6111.01(B) and (D), respectively.
9. On December 6, 2023, the Director of Ohio EPA issued National Pollutant Discharge Elimination System Permit No. 0PA00108\*CD (the “Discharge Permit” or “Permit”) to Defendant Village of Harrisville, with an effective date of January 1, 2024, and an expiration date of December 31, 2028, which authorizes certain discharges from the wastewater treatment plant. A true and accurate copy of the Discharge Permit is attached hereto as Exhibit A and is hereby incorporated by reference as if fully rewritten herein.

10. Defendant failed to comply with various terms and conditions of the Discharge Permit.

11. Ohio EPA informed Defendant of these violations through various communications including Notices of Violation sent on or about November 5, 2025, March 12, 2026, and April 21, 2026. These communications requested that actions be taken that would resolve the violations cited in the Notices. However, Defendant failed to take any of the stated actions necessary to correct these violations, and the violations continue.

12. To date, Defendant continues to violate the terms and conditions of the Discharge Permit and Ohio's water pollution control laws and rules and threatens public health, safety, and the environment.

### **STATUTORY BACKGROUND**

#### **Ohio's Water Pollution Control Laws**

13. R.C. 6111.04(A)(1) provides that no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state except in accordance with a valid, unexpired permit issued by the Director of Ohio EPA. Such an action constitutes a "public nuisance" under R.C. 6111.04(A)(2).

14. R.C. 6111.04(C) provides that no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the Director of the Ohio EPA to do so.

15. R.C. 6111.03(H)(2) authorizes the Director of Ohio EPA to issue, modify, or revoke orders to prevent, control, or abate water pollution through several means, including

requiring the construction of a new disposal system or parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof.

16. "Pollution," as defined in R.C. 6111.01(A), means the placement "of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state."

17. "Sewage," as defined in R.C. 6111.01(B) means "any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities."

18. "Other wastes," as defined in R.C. 6111.01(D), means "garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste, and any other 'pollutants' or 'toxic pollutants' as defined in the Federal Water Pollution Control Act that are not sewage, sludge, sludge materials, or industrial waste."

19. "Waters of the state" are "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters. 'Waters of the state' does not include an ephemeral feature for which the United States Army Corps of Engineers lacks the authority to issue a permit under 33 U.S.C. 1344." R.C. 6111.01(H).

20. R.C. 6111.07(A) provides that “[n]o person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections.” ,

21. Each day of violation of R.C. 6111.07(A) is a separate offense.

#### **Ohio’s National Pollutant Discharge Elimination System Permitting**

22. Adm.Code 3745-33-02(A), adopted under R.C. 6111.03(G), provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without applying for and obtaining an Ohio National Pollutant Discharge Elimination System Permit (“discharge permit”).

23. R.C. 6111.03(J)(1) authorizes the Director of Ohio EPA to set the terms and conditions of discharge permits.

24. “Discharge of a pollutant or pollutants” means any addition of any pollutant to waters of the state from a point source. Adm.Code 3745-33-01(D)(3).

25. A “point source” is “any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.” Adm.Code 3745-33-01(P)(2).

26. R.C. 6111.07(A) provides that no person who is the holder of a permit issued under R.C. 6111.01 to 6111.08 shall violate any of the permit’s terms and conditions.

#### **Enforcement Authority**

27. R.C. 6111.07(B) provides that “[t]he attorney general, upon written request of the director, shall bring an action for an injunction against any person violating or threatening to

violate this chapter or violating or threatening to violate any order, rule, or condition of a permit issued or adopted by the director pursuant to this chapter.”

28. R.C. 6111.09(A) provides that “[a]ny person who violates R.C. 6111.07 shall pay a civil penalty of not more than ten thousand dollars per day of violation,” and the Ohio Attorney General shall commence an action against any person for any violation of R.C. 6111.07 upon the Ohio EPA Director’s written request.

29. This matter was referred to the Attorney General for enforcement upon written request from the Director of Ohio EPA pursuant to R.C. 6111.07 and 6111.09.

### **Jurisdiction and Venue**

30. This Court has jurisdiction over the subject matter of this action, personal jurisdiction over Defendant, and authority to grant the relief requested pursuant to R.C. 6111.07, and R.C. 6111.09.

31. Pursuant to Ohio Rule of Civil Procedure 3(C), Plaintiff states that venue is appropriate in this Court.

32. Pursuant to Ohio Rule of Civil Procedure 8(A), Plaintiff states that this Complaint seeks civil penalties in excess of twenty-five thousand dollars (\$25,000.00).

33. Paragraphs 1 through 32 of this Complaint are incorporated by reference into all Claims for Relief as if fully restated therein.

### **CLAIMS FOR RELIEF**

#### **Count One: Unauthorized Bypasses of the Wastewater Treatment Plant**

34. R.C. 6111.04(A) prohibits any person from causing pollution or causing any sewage, industrial waste, or other waste to be placed in any location where they cause pollution to waters of the state, unless the discharge occurs pursuant to a valid permit.

35. Discharge Permit Part III(11)(C)(1)(a)-(c) provides that bypasses, or intentional diversions of waste streams, are prohibited unless: the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there were no feasible alternatives to the bypass; and the permittee submits notice of the bypass. *See* Exhibit A.

36. Upon information and belief, between the dates of January 1, 2026 and March 12, 2026 the wastewater treatment plant began overflowing and discharging sewage into Sloan Run. These overflows and discharges have continued to present These overflows and discharges are the result of an unauthorized bypass and discharged untreated or partially treated sewage into a water of the state.

37. On these dates, and other dates yet unknown to the Plaintiff, the Defendant caused unauthorized bypasses and discharges.

38. The acts and omissions alleged in this Count constitute violations of the Discharge Permit, R.C. 6111.04(A), and R.C. 6111.07(A), for which the Defendant is subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

#### **Count Two: Creation of a Statutory Nuisance**

39. R.C. 3767.02(A) provides that “any person, who uses, occupies, establishes, or conducts a nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance.”

40. R.C. 3767.02(A) further provides, in part, that any person who establishes or conducts a nuisance; the owner, agent or lessee of an interest in any such nuisance; and any

person who is in control of that nuisance, shall be enjoined as provided in R.C. Chapter 3767.

41. R.C. 3767.13(B) prohibits any person from causing or allowing offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

42. R.C. 3767.13(C) prohibits any person from “render[ing] unwholesome or impure, a watercourse, stream, or water . . . to the injury or prejudice of others.”

43. Pursuant to R.C. 3767.03, the Attorney General may bring an action in equity in the name of the State to abate the nuisance and to perpetually enjoin persons from maintaining the nuisance.

44. On at least April 21, 2026, May 20, 2026, and other dates yet unknown to the Plaintiff, Defendant established and conducted a nuisance in conjunction with its ownership and operation of its wastewater treatment plant at the site by causing untreated or partially treated sewage to discharge into waters of the state.

45. Defendant has established, has an interest in, and/or controls its wastewater treatment plant and is thereby maintaining a nuisance as set forth and prohibited by R.C. 3767.02 and 3767.13.

46. The acts and/or omissions alleged in this Count constitute violations of R.C. 3767.02 and 3767.13, for which the State is entitled to temporary and perpetual injunctive relief against Defendant and an order to abate such nuisance, pursuant to R.C. 3767.03, 3767.04, and 3767.05.

**Count Three: Failure to Maintain the Wastewater Treatment Plant  
in Good Working Order**

47. Part III(3)(A) of the Discharge Permit provides that all wastewater treatment works shall at all times be maintained in good working order and operate as efficiently as

possible all treatment and control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of the permit. *See Exhibit A.*

48. Between January 1, 2026, and continuing to present, Defendant has not obtained or maintained an operator of record for the wastewater treatment plant.

49. Ohio EPA informed Defendant of this violation through Notices of Violation dated March 12, 2026 and April 21, 2026 and through phone conversations with Village administrators.

50. On March 27, 2026, Ohio EPA staff inspected Defendant's wastewater treatment plant and discovered that the plant was not properly disposing of trash collected from the system and was actively overflowing sewage and discharging it into Sloan Run. At that time, the discharge from the wastewater treatment plant was light brown in color and had a strong, foul, egg-like odor.

51. Ohio EPA informed the Defendant of these violations through the April 21, 2026 Notice of Violation and through phone conversations with Village administrators.

52. On May 19, 2026, Ohio EPA staff inspected Defendant's wastewater treatment plant again and discovered that the plant was still not properly disposing of trash collected from the system, was still actively overflowing and continuing to discharge sewage into Sloan Run, and that Sloan Run was significantly impaired. Sewage had collected in the wastewater treatment plant's outfall pipe, sewage fungus and algae were growing within Sloan Run, a strong, foul odor was present along the creek bed, and no aquatic life was found in Sloan Run below the wastewater treatment plant's outfall pipe.

53. Upon information and belief, the wastewater treatment plant has not been staffed or fully operational since at least January 1, 2026.

54. To date, the Defendant has failed to properly operate and maintain the wastewater treatment plant in good working order and operate as efficiently as possible in accordance with the terms and conditions of the Permit and Ohio law.

55. The acts and omissions described in this Count constitute violations of the Discharge Permit and R.C. 6111.07(A), for which the Defendant is liable and subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

**Count Four: Violation of Notification Requirements**

56. Discharge Permit Part III(12)(B)(1) provides that the permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit within twenty-four (24) hours of discovery. *See Exhibit A.*

57. Upon information and belief, the Defendant was aware of or should have known of unauthorized and unanticipated bypasses at the wastewater treatment plant but did not report that bypass to Ohio EPA.

58. The acts and omissions alleged in this Count constitute violations of the Discharge Permit and R.C. 6111.07(A), for which the Defendant is liable and subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

**Count Five: Violation of Effluent Limitations of the Discharge Permit**

59. R.C. 6111.04(C) provides that no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges

specified under an existing permit without first receiving a permit from the Director of Ohio EPA to do so.

60. Discharge Permit Part I(A) establishes effluent discharge limitations for various pollutants, such as Nitrogen, Ammonia, Total Phosphorus, and E.coli, that are contained in the wastewater discharged from the treatment plant and establishes monitoring requirements for those discharges. *See* Exhibit A. The Permit requires monitoring data be submitted to Ohio EPA on a monthly basis on discharge monitoring report forms either electronically or on paper. *Id.*

61. Part III(15) of the Permit provides that all authorized discharges shall be consistent with the terms and conditions of the permit. *Id.* The discharge of any pollutant at a level in excess of what is authorized by the permit shall constitute a violation of the terms and conditions of the permit. *Id.*

62. As reported in the discharge monitoring report forms submitted to the Director of Ohio EPA showing sampling results from June 2025 through December 2025, the Defendant violated the Permit by exceeding the limits for Nitrogen Ammonia (NH<sub>3</sub>) and 5-day carbonaceous biochemical oxygen demand (CBOD 5) on at least 7 occasions.

63. The acts and omissions described in this Count constitute violations of the Discharge Permit, R.C. 6111.04, and R.C. 6111.07(A), for which the Defendant is liable and subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

#### **Count Six: Failure to Submit Electronic Discharge Monitoring Reports**

64. Part III(4)(A) of the Discharge Permit provides that monitoring data required by the Permit shall be submitted to Ohio EPA on a monthly basis via electronic Discharge Monitoring Reports (“eDMRs”). *See* Exhibit A.

65. The Defendant has not submitted eDMRs for the wastewater treatment plant for the March 2025, April 2025, May 2025, and June 2025 monitoring periods and has not submitted eDMRs since December 2025.

66. The acts and omissions described in this Count constitute violations of the Discharge Permit and R.C. 6111.07(A), for which the Defendant is liable and subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

#### **Count Seven: Failure to Meet Staffing Requirements**

67. Discharge Permit Part II(A)(1)(a) classifies Defendant's wastewater treatment plant as a Class I treatment works and established that the wastewater treatment plant must be staffed in accordance with Adm.Code 3745-7-04. *See* Exhibit A.

68. Adm.Code 3745-7-04(C)(1) requires that a professional operator of record be physically present at a treatment works for three (3) days per week for a minimum of one-half hours per week for Class I facilities.

69. Discharge Permit Part II(A)(4) also requires that the permittee, the permittee's representative, or agent shall visit the wastewater treatment plant five (5) days a week while the wastewater treatment plant is in operation. *See* Exhibit A. These visits shall be noted in the operational and maintenance records.

70. Adm.Code 3745-7-04(C)(4)(b) states that "visits to all treatment works shall be performed by the permittee, the permittee's representative, or agent five days a week and noted in the operational and maintenance records" while the treatment works is in operation.

71. The Defendant failed to properly staff the wastewater treatment plant with a professional operator of record during at least the following weeks, and on other dates yet

unknown to Plaintiffs: June 29, 2025 – July 5, 2025; July 6, 2025 – July 12, 2025; July 27, 2025 – August 2, 2025; August 10, 2025 – August 16, 2025; August 17, 2025 – August 23, 2025; August 24, 2025 – August 30, 2025; August 31, 2025 – September 6, 2025; September 7, 2025 – September 13, 2025; September 14, 2025 – September 20, 2025; September 21, 2025 – September 27, 2025; September 28, 2025 – October 4, 2025; and all subsequent weeks since January 1, 2026.

72. Upon information and belief, the Defendant has no records demonstrating that the permittee, the permittee's representative, or agent visited the wastewater treatment plant five (5) days per week since at least September 2025, as required by law. In fact, upon information and belief, neither the Defendant nor any representative or agent of the Defendant has been to the wastewater treatment plant since March 8, 2026.

73. Upon information and belief, the Defendant failed to properly staff the wastewater treatment plant as required by law.

74. The acts and omissions described in this Count constitute violations of the Discharge Permit, Adm.Code 3745-7-04, and R.C. 6111.07(A), for which the Defendant is liable and subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

#### **Count Eight: Failure to Maintain Records**

75. Discharge Permit Part III(7)(C) requires that the permittee shall retain records for the wastewater treatment works for a minimum of three (3) years, including all instrumentation, calibration, and maintenance records and all plant operation and maintenance records. *See* Exhibit A.

76. Upon information and belief, Defendant did not maintain staffing records from at least March 2025 through June 2025, in violation of the Permit.

77. Upon information and belief, Defendant did not maintain calibration and maintenance records for the flow meter at the wastewater treatment plant since at least October 21, 2025. Ohio EPA requested these records during an October 21, 2025 inspection and via email on October 29, 2025. These records were never made available to Ohio EPA.

78. The acts and omissions described in this Count constitute violations of the Discharge Permit and R.C. 6111.07(A), for which the Defendant is liable and subject to injunctive relief under R.C. 6111.07(B) and civil penalties of up to ten thousand dollars (\$10,000.00) per day for each violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

**Count Nine: Creating and maintaining a public nuisance**

79. R.C. 6111.04(A) states that “no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge material, industrial waste, or other waste, or other wastes in a location where they cause pollution of any waters of the State” in violation of a valid, unexpired permit. To do so is a public nuisance under R.C. 6111.04(A)(2).

80. Adm.Code 3745-38-02(A)(1) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without applying for and obtaining an Ohio NPDES individual permit or obtaining authorization to discharge under an Ohio NPDES general permit.

81. R.C. 6111.04(C) states that “no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged in any waters of the state any sewage,

sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.”

82. Defendant obtained coverage under its Discharge Permit on January 1, 2024.

83. As described in Counts One through Eight and hereby incorporated by reference as if fully rewritten herein Defendants discharged sewage and other wastes into waters of the state. These activities violated the terms and conditions of the Discharge Permit and were thus unpermitted.

84. The acts and omissions alleged in this Count constitute violations of R.C. 6111.04, Adm.Code 3745-38-02, the Discharge Permits, and consequently R.C. 6111.07(A), for which Defendant is liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and to civil penalties of up to ten thousand dollars (\$10,000) for each day of violation, including each day subsequent to the filing of this Complaint, pursuant to R.C. 6111.09.

#### **PRAYER FOR RELIEF**

WHEREFORE, the State respectfully requests that this Court:

- A. Issue an Order permanently enjoining Defendant from violating R.C. Chapter 6111 and the rules promulgated thereunder, and the terms and conditions of all permits and orders issued to Defendant by Ohio EPA;
- B. Issue an Order requiring Defendant to make all necessary improvements to ensure the proper operation of the Village of Harrisville’s wastewater treatment plant identified in this Complaint;
- C. Assess and order appropriate civil penalties pursuant to R.C. 6111.09(A);
- D. Order Defendant to pay all costs and fees of this action, including extraordinary enforcement costs incurred by the State of Ohio and attorney fees incurred by the Office of the Ohio Attorney General;

- E. Retain jurisdiction of this suit for the purpose of making any order or decree the Court may deem necessary at any time to enforce and administer Defendant' compliance with, and to carry out, this Court's judgment; and
- F. Award such other relief as this Court deems proper and just.

Respectfully submitted,

**DAVE YOST**  
**OHIO ATTORNEY GENERAL**



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*Counsel for Plaintiff, the State of Ohio*

Ohio EPA Permit No.: 0PA00108\*CD  
Application No: OH0140139

Action Date: December 6, 2023  
Effective Date: January 1, 2024  
Expiration Date: December 31, 2028

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

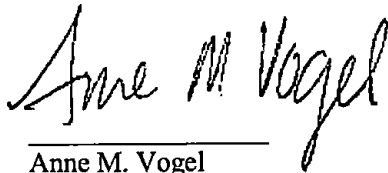
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Village of Harrisville

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Village of Harrisville wastewater treatment works, located 500 ft. east of Township Road 82 on S. Back Street, Harrisville, Ohio, Harrison County, and discharging to the headwaters of Sloan Run 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.



\_\_\_\_\_  
Anne M. Vogel  
Director

Total Pages: 23



PART I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPA00108001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Week	Grab	All
00300 - Dissolved Oxygen - mg/l	-	6.0	-	-	-	-	-	1/Week	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	18	12	-	2.22	1.48	1/Month	Grab	All
00610 - Nitrogen, Ammonia (NH <sub>3</sub> ) - mg/l	-	-	1.5	1.0	-	0.185	0.124	1/Month	Grab	Summer
00610 - Nitrogen, Ammonia (NH <sub>3</sub> ) - mg/l	-	-	4.5	3.0	-	0.554	0.37	1/Month	Grab	Winter
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01350 - Turbidity, Severity - Units	-	-	-	-	-	-	-	1/Day	Estimate	All
31648 - E. coli - #/100 ml	-	-	284	126	-	-	-	1/Month	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Estimate	All
80082 - CBOD 5 day - mg/l	-	-	15	10	-	1.85	1.24	1/Month	Grab	All

Notes for Station Number OPA00108001:

\* Effluent loadings based on average design flow of 0.032525 MGD.

- a. Turbidity - See Part II, Item F.
- b. Grab Sampling - See Part II, Item G.
- c. Quarterly Sampling means sampling should be done in the months of March, June, August, and September.
- d. Summer shall be considered May 1 through October 31.
- e. Winter shall be considered November 1 through April 30.

PART I, B. SSO LIMITATIONS AND MONITORING REQUIREMENTS

1. SSO Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor at Station Number 0PA00108300, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 0PA00108300:

a. A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Although the above table indicates that the Measuring Frequency for Overflow Occurrence is 1/Month, the intent of that provision is to specify a reporting frequency for Overflow Occurrence, not a monitoring frequency. The monitoring requirement under this permit is that these overflows shall be monitored on each day when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under this monitoring station.

b. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number on Day 1 of the DMR. If there are no overflows during the entire month, report "zero" (0).

c. All sanitary sewer overflows are prohibited.

d. See Part II, Items D and E.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date and lasting until the effective date, the permittee shall monitor the treatment works' final sludge at Station Number 0PA00108586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Year	Total	December

Notes for Station Number 0PA00108586:

a. Monitoring is required when sewage sludge is removed from the permittee's facility for disposal in a solid waste landfill. The total Sludge Fee Weight of sewage sludge disposed of in a solid waste landfill for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

b. If no sewage sludge is removed from the permittee's facility for disposal in a solid waste landfill during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.

c. Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.

d. See Part II, Items J, K, L, and M.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPA00108588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
80991 - Sludge Volume, Gallons - Gals	-	-	-	-	-	-	-	1/Year	Total	December

Notes for Station Number OPA00108588:

a. Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight or sludge volume transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

~~b. If no sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.~~

c. Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

d. See Part II, Item J, K, L, and M.

## PART II - OTHER REQUIREMENTS

### A. Operator Certification Requirements

#### 1. Classification

a. In accordance with Ohio Administrative Code 3745-7-04, the sewage treatment facility shall be classified as a Class I treatment works. The permittee shall designate one or more professional operator of record to oversee the technical operation of the treatment works with a valid certification of a class equal to or greater than the classification of the treatment works.

b. All sewerage (collection) systems that are tributary to this treatment works are Class I sewerage systems in accordance with paragraph (B)(1)(b) of rule 3745-7-04 of the Ohio Administrative Code. The permittee shall designate one or more professional operator of record to oversee the technical operation of the sewerage (collection) system with a valid certification of a class equal to or greater than the classification of the sewerage (collection) system.

#### 2. Professional Operator of Record

a. Within three days of a change in a professional operator of record, the permittee shall notify the Director of the Ohio EPA of any such change on a form acceptable to Ohio EPA. The notification can be submitted either electronically via the Ohio eBusiness Center website (<https://ebiz.epa.ohio.gov/login.html>) or hard copy. The appropriate form can be found at the following website:

<https://epa.ohio.gov/static/Portals/28/documents/opcert/Operator%20of%20Record%20Notification%20Form.pdf?ver=2018-09-11-102530-423>

b. All applications for renewal of this NPDES permit shall include an updated Operator of Record Notification form along with other necessary forms and fees to be considered a complete application.

c. If the designated professional operator of record is unable to meet the minimum staffing requirements at a class A or class I treatment works, then a professional operator with a certificate equal to or higher than that of the treatment works may serve as the professional operator of record until such time as the designated professional operator of record is available. The use of this provision does not require notification to the agency unless the use of the backup professional operator exceeds thirty consecutive days. In the event the use of a backup professional operator under this provision exceeds thirty consecutive days, the owner or professional operator shall provide notice in accordance with paragraph (A)(2) of rule 3745-7-02 of the Administrative Code.

#### 3. Minimum Staffing Requirements

a. The permittee shall ensure that the treatment works professional operator of record is physically present at the facility in accordance with the minimum staffing requirements per paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code or the requirements from an approved 3745-7-04(C) minimum staffing hour reduction plan.

b. The permittee shall ensure that the collection system professional operator of record or a professional operator that is certified in the field of wastewater collection or wastewater treatment, class A operators excluded, is physically present at the collection system in accordance with the minimum staffing requirements per paragraph (C)(2) of rule 3745-7-04 of the Ohio Administrative Code.

4. Additional Staffing Requirements

Visits to all treatment works shall be performed by the permittee, the permittee's representative, or agent five days a week and noted in the operational and maintenance records required by rule 3745-7-09 of the Administrative Code. Visits shall not be necessary when the treatment works is not in operation.

B. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
OPA00108001	Final effluent (Lat: 40N 10' 46"; Long: 80W 53' 08"); Sample to be taken prior to discharge to Sloan Run.
OPA00108300	System-wide Sanitary Sewer Overflow (SSO).
OPA00108586	Sludge removed from the facility for disposal at an approved landfill.
OPA00108588	Sludge removed from the facility for disposal at another POTW.

C. 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.

D. Sanitary Sewer Overflow (SSO) Reporting Requirements

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include wet weather discharges from combined sewer overflows specifically listed in Part II of this NPDES permit (if any). All SSOs are prohibited.

1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and

(viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

An acceptable 5-day follow-up written report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at:

<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/permits-program-technical-assistance>

## 2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

### a) Discharge Monitoring Reports (DMR)

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your Discharge Monitoring Reports (DMR). You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 form for station number 300.

### b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

(i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.

(ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.

(iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewer shed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year. The report may be submitted electronically using the NPDES Annual Sanitary Sewer Overflow Report available through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service. Alternatively, you may submit one hardcopy of the report to Ohio EPA Southeast District Office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH, 43216-1049. An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at:

<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/permits-program-technical-assistance>

You also must provide adequate notice to the public of the availability of the report. Adequate public notice would include: notices posted at the community administration building, the public library and the post office; a public notice in the newspaper; or a notice sent out with all sewer bills.

E. The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc.

F. If Severity Units are required for Turbidity, use the following table to determine the value between 0 and 4 to report.

REPORTED VALUE*	SEVERITY DESCRIPTION	TURBIDITY
0	None	Clear
1	Mild	
2	Moderate	Light Solids
3	Serious	
4	Extreme	Heavy Solids

\* Interpolate between the descriptive phrases

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

H. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

I. Water quality based permit limitations in this permit may be revised based on updated wasteload allocations or use designation rules. This permit may be modified, or revoked and reissued, to include new water quality based effluent limits or other conditions that are necessary to comply with a revised wasteload allocation, or an approved total maximum daily loads (TMDL) report as required under Section 303 (d) of the Clean Water Act.

J. All disposal, use, storage, or treatment of sewage sludge by the permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code and any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the permittee.

K. Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

L. No later than March 1 of each calendar year, the permittee shall submit a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the permittee during the previous calendar

year. The report shall be submitted through the Ohio EPA eBusiness Center/STREAMS, Division of Surface Water NPDES Permit Applications service.

M. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring and the weight calculations shall be maintained on site for a minimum of five years. The test methodology used shall be from Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation, using the edition which is current on the issuance date of the permit. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge:  $\text{dry tons} = \text{gallons} \times 8.34 \text{ (lbs/gallon)} \times 0.0005 \text{ (tons/lb)} \times \text{decimal fraction total solids}$ .

#### N. Outfall Signage

Not later than 4 months from the effective date of this permit, the permittee shall maintain a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit. This includes final outfalls, bypasses, and combined sewer overflows. The sign shall include, at a minimum, the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.

## PART III - GENERAL CONDITIONS

### 1. DEFINITIONS

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

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

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

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

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

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

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

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

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

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

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

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

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

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

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

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

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

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

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

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

## 2. GENERAL EFFLUENT LIMITATION

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 growth become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses

## 3. FACILITY OPERATION AND QUALITY CONTROL

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

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

## 4. REPORTING

- A. Monitoring data required by this permit shall be submitted monthly on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services>

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

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

2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

3. In the case of a municipal, state or other public facility, by either the principal executive officer, the ranking elected official or other duly authorized employee.

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

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services-sub/edmr>

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.

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

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

## 5. SAMPLING AND ANALYTICAL METHOD

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

## 6. RECORDING OF RESULTS

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

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

- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements.

#### 7. RECORDS RETENTION

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

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

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

#### 8. AVAILABILITY OF REPORTS

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

#### 9. DUTY TO PROVIDE INFORMATION

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

#### 10. RIGHT OF ENTRY

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

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## 11. UNAUTHORIZED DISCHARGES

A. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 11.B and 11.C.

### B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

### C. Prohibition of Bypass

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The permittee submitted notices as required under paragraph 11.B.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

## 12. NONCOMPLIANCE NOTIFICATION

### A. Exceedance of a Daily Maximum Discharge Limit

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

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

Southeast District Office: [sedo24hournpdes@epa.ohio.gov](mailto:sedo24hournpdes@epa.ohio.gov)  
Southwest District Office: [swdo24hournpdes@epa.ohio.gov](mailto:swdo24hournpdes@epa.ohio.gov)  
Northwest District Office: [nwdo24hournpdes@epa.ohio.gov](mailto:nwdo24hournpdes@epa.ohio.gov)  
Northeast District Office: [nedo24hournpdes@epa.ohio.gov](mailto:nedo24hournpdes@epa.ohio.gov)  
Central District Office: [cdo24hournpdes@epa.ohio.gov](mailto:cdo24hournpdes@epa.ohio.gov)  
Central Office: [co24hournpdes@epa.ohio.gov](mailto:co24hournpdes@epa.ohio.gov)

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permits>

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

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

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

- a. The name of the permittee, and a contact name and telephone number;
- b. The limit(s) that has been exceeded;
- c. The extent of the exceedance(s);
- d. The cause of the exceedance(s);
- e. The period of the exceedance(s) including exact dates and times;
- f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,
- g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

#### B. Other Permit Violations

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

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

Southeast District Office: sedo24hournpdes@epa.ohio.gov  
Southwest District Office: swdo24hournpdes@epa.ohio.gov  
Northwest District Office: nwdo24hournpdes@epa.ohio.gov  
Northeast District Office: nedo24hournpdes@epa.ohio.gov  
Central District Office: cdo24hournpdes@epa.ohio.gov  
Central Office: co24hournpdes@epa.ohio.gov

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permits>

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

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

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

- a. The name of the permittee, and a contact name and telephone number;
- b. The time(s) at which the discharge occurred, and was discovered;
- c. The approximate amount and the characteristics of the discharge;
- d. The stream(s) affected by the discharge;
- e. The circumstances which created the discharge;
- f. The name and telephone number of the person(s) who have knowledge of these circumstances;
- g. What remedial steps are being taken; and,
- h. The name and telephone number of the person(s) responsible for such remedial steps.

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

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

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

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and,
5. The probability of complying with subsequent and final events as scheduled.

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

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

#### 13. RESERVED

#### 14. DUTY TO MITIGATE

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

#### 15. AUTHORIZED DISCHARGES

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

#### 16. DISCHARGE CHANGES

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

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned

changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

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

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

D. In addition to the reporting requirements under 40 CFR 122.41(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. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

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

#### 19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

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

#### 20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

#### 21. SOLIDS DISPOSAL

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

#### 22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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

#### 23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing

in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

#### 24. STATE LAWS AND REGULATIONS

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

#### 25. PROPERTY RIGHTS

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

#### 26. UPSET

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

#### 27. SEVERABILITY

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

#### 28. SIGNATORY REQUIREMENTS

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

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

#### 29. OTHER INFORMATION

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

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

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

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

30. NEED TO HALT OR REDUCE ACTIVITY

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

31. APPLICABLE FEDERAL RULES

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

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.