

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO.
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	
	:	
Plaintiff,	:	JUDGE
	:	
v.	:	
	:	
BOARD OF COMMISSIONERS OF	:	<u>CONSENT ORDER</u>
MAHONING COUNTY, OHIO	:	
	:	
Defendant.	:	

This cause having come before this Court on Plaintiff's Complaint and Motion for Preliminary and Permanent Injunction, and the Plaintiff and Defendant having consented to the entry of this Order,

NOW THEREFORE, before the taking of any testimony and upon the pleadings it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I. JURISDICTION

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which the relief awarded in this Order can be granted against the Defendant under Chapter 6111 of the Ohio Revised Code.

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns and successors in interest.

III. TERMS OF ORDER

3. By December 31, 1987, the Defendant shall "fully implement" its pretreatment program (hereinafter "the program") as submitted to the Director of the Ohio Environmental Protection Agency (hereinafter "the Director") on July 11, 1985, and approved modifications thereto, as public noticed on December 13, 1985. "Fully implement" shall mean, at a minimum, compliance with the following milestones:

a. By April 1, 1986, Defendant shall notify each industrial user (hereinafter "user") discharging into any of Defendant's affected Publicly Owned Treatment Works of the Defendant's implementation of the program, and issue each user an application for a permit to discharge into said works.

b. By September 30, 1986, the Defendant shall establish firm compliance schedules for each user who will be required to construct facilities or modify manufacturing processes to meet pretreatment standards.

c. By December 31, 1987, Defendant shall meet all terms and conditions of the program.

4. The Defendant is further ordered to comply with the National Pollutant Discharge Elimination System ("NPDES") permit limitations and monitoring requirements at the Meander Sewage Treatment Plant. A copy of the permit is attached as Exhibit A.

5. The Defendant is further ordered to pay a civil penalty pursuant to Ohio Revised Code Section 6111.09 of three thousand (\$3,000.00) dollars. This payment shall be made by tendering a certified check or money order to Plaintiff's attorney or his successor within ten days after the filing of this Order. Said check or money order shall be payable to the "Treasurer, State of Ohio".

6. The Defendant is further ordered to pay the following stipulated penalties, pursuant to Ohio Revised Code Section 6111.09, for any violations of this Order specified below:

(A) For failure to fully implement and comply with the pretreatment program by December 31, 1987, the Defendant shall pay a stipulated penalty of five hundred (\$500.00) dollars for each day after December 31, 1987 during which it fails to fully implement and comply with said program.

(B) For failure to immediately comply with the interim monitoring requirements at the Meander Publicly Owned Treatment Works as specified in Paragraph 4(A), the Defendant shall pay a stipulated penalty of \$500.00 for

each day after the filing of this Order during which it fails to comply with any of said interim monitoring and reporting requirements.

(C) For failure to comply by December 31, 1987 with the final effluent limitations at the Meander Publicly Owned Treatment Works as specified in the existing NPDES permit or any subsequent NPDES permit for Meander, Defendant shall pay a stipulated penalty of one thousand (1,000.00) dollars for each day after December 31, 1987 during which it fails to comply with said final effluent limitations.

7. Defendant shall comply with the requirements of Revised Code Chapter 6111 and the regulations adopted thereunder.

8. The Court will retain jurisdiction of this action for the purpose of making any order or decree which it may deem at any time appropriate to carry out the Consent Order.

9. Defendant shall pay the costs of this action.

JUDGE, COURT OF COMMON PLEAS

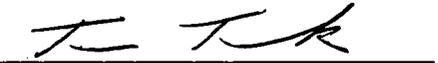
APPROVED:

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

BY: 

DAVID I. SCHIFF
Assistant Attorney General
Environmental Enforcement
Section
State Office Tower, 17th Floor
30 East Broad Street
Columbus, Ohio 43215
(614) 466-2766

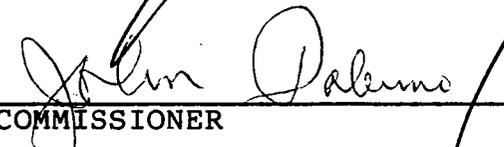
BOARD OF COMMISSIONERS OF
MAHONING COUNTY, OHIO

BY: 

TIM TUSEK
Assistant Prosecuting Attorney
Mahoning County Courthouse
120 Market Street
Youngstown, Ohio 44503
(216) 747-2000


LEONARD G. YURKO
COMMISSIONER


COMMISSIONER


COMMISSIONER

OEPA Permit No. 3PK00011*CD

Application No. OH0045721

Effective Date: March 31, 1986

Expiration Date: March 28, 1991

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),

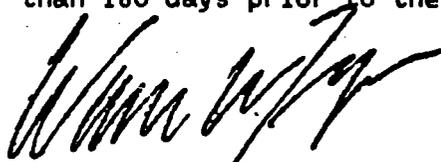
Board of County Commissioners
Mahoning County
(Meander Creek WWTP)

is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the wastewater treatment works located at 3264 State Route 46, Mineral Ridge, Ohio, Mahoning County and discharging to Meander Creek

in accordance with the conditions specified in Parts I, II and III of this permit.

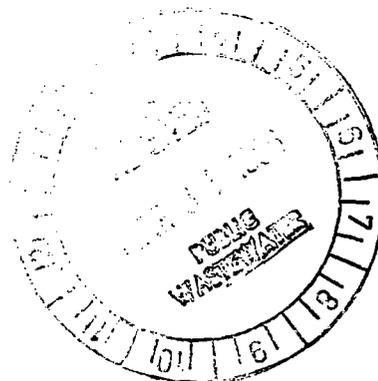
This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

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.



Warren W. Tyler
Director

3138P
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: 3PK00011001. 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.	
00310	mg/l	BOD ₅	15	25	227	378	3/Week	Composite	
00530	mg/l	Suspended Solids	20	30	302	454	3/Week	Composite	
00550	mg/l	Oil & Grease	Not to exceed 10 at any time				-	1/Month	Grab
00610	mg/l	Ammonia (N)							
		(Summer)	2.5	3.75	38	57	3/Week	Composite	
		(Winter)	5.0	7.50	76	114	3/Week	Composite	
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	3/Week	Grab	
50050	MGD	Flow	-	-	-	-	Daily	Continuous	
80082	mg/l	CBOD ₅	-	-	-	-	3/Week	Composite	

2. The pH (Reporting Codes 00402 (minimum), 00400 (average) and 00401 (maximum)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored continuously and reported daily.
3. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored daily by grab sample.

* The average effluent loading limitations are established using the following flow value: 4.0 MGD

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

1. During the period beginning on the effective date of this permit and lasting until December 30, 1987, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3PK00011001. 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		
00335	mg/l	COD	-	-	-	-	1/Week	Composite
00615	mg/l	Nitrite (N)	-	-	-	-	3/Week	Composite
00620	mg/l	Nitrate (N)	-	-	-	-	3/Week	Composite
00625	mg/l	Kjeldahl, TKN(N)	-	-	-	-	3/Week	Composite
01027	ug/l	Cadmium	-	-	-	-	1/Week	Grab
01032	ug/l	Chromium (Hex)	-	-	-	-	1/Week	Grab**
01033	ug/l	Chromium (Tri)	-	-	-	-	1/Week	Grab**
01042	ug/l	Copper	-	-	-	-	1/Week	Grab
01051	ug/l	Lead	-	-	-	-	1/Week	Grab
01067	ug/l	Nickel	-	-	-	-	1/Week	Grab
01092	ug/l	Zinc	-	-	-	-	1/Week	Grab
71900	ug/l	Mercury	-	-	-	-	1/Week	Grab

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

** The data collected for these parameters will be used within 12 months to develop final limits for these pollutants.

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

1. During the period beginning on December 31, 1987 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: 3PK00011001. 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		
00335	mg/l	COD	-	-	-	-	1/Week	Composite
00615	mg/l	Nitrite (N)	-	-	-	-	3/Week	Composite
00620	mg/l	Nitrate (N)	-	-	-	-	3/Week	Composite
00625	mg/l	Kjeldahl, TKN(N)	-	-	-	-	3/Week	Composite
01027	ug/l	Cadmium (2)	1.5	2.25	0.023	0.034	4/Month	Composite**
01032	ug/l	Chromium (Hex) (1,2)	-	-	-	-	4/Month	Composite**
01033	ug/l	Chromium (Tri) (1,2)	-	-	-	-	4/Month	Composite**
01042	ug/l	Copper (2)	12	18	0.18	0.27	4/Month	Composite**
01051	ug/l	Lead (2)	30	45	0.45	0.68	4/Month	Composite**
01067	ug/l	Nickel (2)	100	150	1.51	2.27	4/Month	Composite**
01092	ug/l	Zinc (2)	164	246	2.47	3.71	4/Month	Composite**
71900	ug/l	Mercury (2)	0.2	0.3	0.003	0.005	4/Month	Composite**

2. See PART II, OTHER REQUIREMENTS.

* The average effluent loading limitations are established using the following flow value: 4.0 MGD

** See Part II, Item I.

- (1) By January 1, 1988 final limits for these parameters will be developed and incorporated into this permit.
- (2) Sampling for these parameters at station 3PK00011001 and station 3PK00011601 shall occur the same day.

PART I, B. - ADDITIONAL MONITORING REQUIREMENTS

1. Influent Monitoring. The permittee shall monitor the treatment work's influent wastewater at Station Number 3PK00011601 and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See PART II, OTHER REQUIREMENTS, for location of influent sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00010	°C	Temperature	Daily	Max. Ind. Therm.
00310	mg/l	BOD ₅	3/Week	Composite
00400	S.U.	pH	Daily	Grab
00530	mg/l	Suspended Solids	3/Week	Composite
00610	mg/l	Ammonia (N)	3/Week	Composite
01027	ug/l	Cadmium	1/Week	Composite*
01302	ug/l	Chromium, Hex.	1/Week	Composite*
01033	ug/l	Chromium, Tri.	1/Week	Composite*
01042	ug/l	Copper	1/Week	Composite*
01051	ug/l	Lead	1/Week	Composite*
01067	ug/l	Nickel	1/Week	Composite*
01092	ug/l	Zinc	1/Week	Composite*
71900	ug/l	Mercury	1/Week	Composite*

* Sampling for these parameters at station 3PK00011601 and station 3PK00011601 shall occur the same day.

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

2. Upstream and Downstream. The permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 3PK00011801, and downstream of the point of discharge at Station Number 3PK00011901, and report to the Ohio EPA in accordance with the following table. See PART II, OTHER REQUIREMENTS for location of sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00300	mg/l	Dissolved Oxygen	1/Week	Grab
00310	mg/l	BOD ₅	1/Week	Grab
00400	S.U.	pH	1/Week	Grab
00530	mg/l	Suspended Solids	1/Week	Grab
00610	mg/l	Ammonia (N)	1/Week	Grab
01032	ug/l	Chromium, Hex. (1)	1/Month	Grab**
01033	ug/l	Chromium, Tri. (1)	1/Month	Grab**
31616	Count /100ml	Fecal Coliform* (Summer Only)	1/Week	Grab

* Downstream Only

** These parameters shall be monitored only during the time period the interim table is in effect.

(1) Upstream Only

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

3. **Sludge.** The permittee shall monitor the treatment work's final sludge at Station Number 3PK00011581 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>	
<u>Reporting Code</u>	<u>Units</u>	<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
00400	S.U.	pH	1/Month	Grab
70316	Dry Tons	Sludge Weight	1/Month	Total Monthly Wt.
70318	%	Percent Total Solids	1/Month	Grab
70322	%	Percent Volatile Solids	1/Month	Grab

* 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 IV Operator.

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

<u>Sampling Station</u>	<u>Description of Location</u>
3PK00011001	Final Plant Effluent
3PK00011581	Sludge prior to incineration and disposal to approved landfill
3PK00011601	Plant Influent
3PK00011801	Upstream
3PK00011901	Downstream

C. In addition to the reporting required by the paragraph entitled "REPORTING" in PART III, General Conditions, monitoring results obtained 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 approved or preliminary waste load allocations may change when new waste load allocations are approved based on revised water quality standards.

H. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.

PART II, OTHER REQUIREMENTS (Cont.)

- I. Weekly composite samples shall be comprised of seven properly preserved 24-hour composite samples proportionate in volume to the total daily flows (for each of the seven consecutive calendar days). Each of the 24-hour 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 facilities overall performance. Sampling for these parameters at Station 601 and Station 001 shall occur the same day.

J. 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. 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, 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.

PART II, OTHER REQUIREMENTS (Cont.)

PRETREATMENT PROGRAM REQUIREMENTS (Cont.)

J. Continued

Publication of Violations

On or prior to June 15th of each year, the permittee shall publish a list of industrial users that have significantly violated the permittee's sewer use ordinance during the previous 12 months in the largest daily newspaper in the area served by the POTW. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance, which is part of a pattern of noncompliance over a 12 month period, which involves a failure to accurately report noncompliance, or which resulted in the permittee taking an emergency action against the user.

2. Inventories

Industrial Discharge: General Character and Volume

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

Priority Pollutants and Additional Organic Compounds

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

Sampling and analysis of influent and effluent

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

PART II, OTHER REQUIREMENTS (Cont.)

PRETREATMENT PROGRAM REQUIREMENTS

J. Continued

Sampling and analysis of a sludge sample

The sludge sample shall be a composite of grab samples taken over a period of 2 weeks when industrial discharges are occurring at normal to maximum levels. At least one grab sample shall be taken each day on which sludge is removed to final disposal. Each grab sample shall be typical of the sludge removed to final disposal. Compositing of the samples shall be done immediately prior to extraction or any other analysis procedures to be carried out on the sample. Analysis of sludge samples for the U.S. Environmental Protection Agency (U.S. EPA) organic priority pollutants shall be performed using U.S. EPA methods 624-S and 625-S (modified for sludge analysis).

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 a 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.

3. Reporting

Industrial User Effluent Quality

On or prior to the 15th day of each March and September, 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 (10-80).

Industrial User Violation Report

On or prior to the 15th day of each February, May, August and November, the permittee shall report to the Ohio EPA 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

PART II, OTHER REQUIREMENTS (Cont.)

PRETREATMENT PROGRAM REQUIREMENTS

J. Continued

Program Effectiveness Analysis

On or prior to June 15th of each year, the permittee shall submit to the Ohio EPA an annual evaluation of the effectiveness of the pretreatment program. The report shall include a brief summary of the work performed during the previous 12 months including, but not necessarily limited to, the numbers and kinds of industrial reports reviewed, number of inspections and monitoring surveys conducted, number and type of enforcement actions, budget and personnel assigned to the program, a general discussion of the program progress, together with summary comments and recommendations.

Program Modifications

Any significant proposed program modification shall be submitted to the Ohio EPA for approval. A significant program modification shall include, but not be limited to, any change in enabling legal authority to administer and enforce pretreatment requirements, major modifications in the program's administrative procedures or inter-municipal agreements, a significant reduction in monitoring procedures, a significant change in the financial/revenue system, a change in the local limitations for toxicants applied to all industrial users of the sewage treatment works.

PART III - GENERAL CONDITIONS

I. 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

"µg/l" means micrograms per liter

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

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

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

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

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

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

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

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

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

2. GENERAL EFFLUENT LIMITATIONS

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

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

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

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

4. REPORTING

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

Ohio Environmental Protection Agency
Records Control Group
Post Office Box 1049
Columbus, Ohio 43266-0558

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

5. SAMPLING AND ANALYTICAL METHODS

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

6. RECORDING OF RESULTS

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

- A. The exact place and date of sampling; (time of sampling not required on EPA 4500)
- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

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

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

8. AVAILABILITY OF REPORTS

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

9. DUTY TO PROVIDE INFORMATION

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

10. RIGHT OF ENTRY

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

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

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

11. UNAUTHORIZED DISCHARGES

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

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The permittee submitted notices as required under paragraph C. of this section.

- B. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

- C. The Director may approve an unanticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph 11. A. of this section.

- D. The permittee shall submit notice of an unanticipated bypass as required in section 12 (one hour notice).

- E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

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

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

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

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

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

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

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.