

By: *Holly M. Vogel* Date: 10/19/2023

Effective Date: November 1, 2023  
Expiration Date: October 31, 2028

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION TO DISCHARGE TOTAL PHOSPHORUS  
FROM POINT SOURCE FACILITIES IN THE MAUMEE WATERSHED 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., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), discharges of wastewater, as defined in Part I,B of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the outfalls at the sites and to the receiving waters identified in this permit, or other outfalls and receiving streams identified in an applicant's Notice of Intent application (NOI) on file with Ohio EPA in accordance with the conditions specified in Part II of this permit.

The conditions in this group permit supplement the conditions in permittees' individual NPDES permits. Together, the general and individual permits institute effluent limits and monitoring requirements to achieve total phosphorus control consistent with the assumptions and requirements of the *Maumee Watershed Nutrient TMDL* (2023), in accordance with 40 CFR 122.44(d)(vii)(B). All conditions in permittees' individual permits remain in full effect.

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 Ohio EPA.

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Anne M. Vogel  
Director

Total Pages: 16

PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit covers significant phosphorus discharges to the Maumee River watershed within the state of Ohio.

B. Applicability.

Ohio Revised Code Chapter 6111 provides that discharges from a point source to waters of the state are unlawful, unless authorized by an NPDES permit. Entities that are eligible for coverage under this permit, and that either are automatically authorized under this general permit by the Director or submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit, are in compliance with the NPDES application requirements for such wastewater discharges.

C. Eligibility

1. The 39 facilities listed below (with individual NPDES permit numbers) have been identified by Ohio EPA as dischargers of significant total phosphorus loads to Ohio's portion of the Maumee Watershed and may be eligible to be covered by this permit.

Facility Name	Application No.	Ohio NPDES No.	Receiving Stream
Village of Ada WWTP	OH0020583	2PB00050	Grass Creek
Allen County American II WWTP	OH0037338	2PH00006	Dug Run
Allen County American-Bath WWTP	OH0023841	2PH00007	Pike Run
Allen County Shawnee II WWTP	OH0023850	2PK00002	Ottawa River
Village of Archbold WWTP	OH0020796	2PD00017	Brush Creek
Village of Bluffton WWTP	OH0020851	2PC00005	Riley Creek
City of Bowling Green McDowell WTP	OH0030848	2IW00010	Maumee River
City of Bryan WWTP	OH0020532	2PD00018	Prairie Creek
Campbell Soup Supply Co.	OH0003298	2IH00021	Maumee River
Cooper Farms Van Wert	OH0078417	2IH00110	Town Creek
Village of Columbus Grove	OH0024759	2PC00004	Plum Creek
Village of Cridersville WWTP	OH0020222	2PB00048	Unnamed tributary to Little Ottawa River
City of Defiance WWTP	OH0078417	2PD00013	Maumee River
City of Delphos WWTP	OH0024899	2PD00029	Jennings Creek
Village of Delta WTP	OH0041823	2IW00070	Bad Creek
Village of Delta WWTP	OH0020974	2PB00003	Bad Creek
Village of Elida WWTP	OH0024996	2PB00046	Ottawa River
City of Findlay WPCF	OH0025135	2PD00008	Blanchard River
G.A. Wintzer and Son Co.	OH0002593	2IK00002	Unnamed tributary to Pusheta Creek
Village of Hicksville WWTP	OH0025771	2PB00042	Mill Creek
IronUnits LLC Toledo HBI	OH0146633	2ID00018	Maumee River
Village of Leipsic WWTP	OH0020826	2PB00040	Little Yellow Creek
Lima Refining Company	OH0002623	2IG00001	Ottawa River
City of Lima WWTP	OH0026069	2PE00000	Ottawa River
Lucas County WRF	OH0034223	2PK00000	Maumee River

Facility Name	Application No.	Ohio NPDES No.	Receiving Stream
Village of Montpelier WWTP	OH0021831	2PD00003	St. Joseph River
City of Napoleon WTP	OH0029963	2IW00190	Maumee River
City of Napoleon WWTP	OH0020893	2PD00000	Maumee River
Village of New Bremen WWTP	OH0020346	2PB00034	Wierth Ditch
City of Ottawa WWTP	OH0026921	2PD00028	Blanchard River
Village of Paulding	OH0020338	2PD00027	Flatrock Creek
PCS Nitrogen Ohio	OH0002615	2IF00004	Ottawa River
City of Perrysburg WWTP	OH0021008	2PD00002	Maumee River
City of St Marys WWTP	OH0021415	2PD00026	St Marys River
Village of Swanton WWTP	OH0020524	2PB00025	Ai Creek
City of Toledo Bay View WWTP	OH0027740	2PF00000	Maumee River
City of Van Wert WWTP	OH0027910	2PD00006	Town Creek
City of Wapakoneta WWTP	OH0027952	2PD00019	Auglaize River
City of Wauseon WWTP	OH0023400	2PD00016	North Turkeyfoot Creek

2. Additional facilities discharging to the Maumee Watershed may be eligible for coverage under this permit based on a determination by the Director, in accordance with Part II, Item A.2.

3. Each permittee's respective NPDES individual permit remains in full effect. Any permittee determined to be noncompliant with total phosphorus effluent limits in their individual NPDES permit associated with OAC 3745-33-06(C) shall be ineligible for coverage under this general permit.

4. Following a season in which limit violations occurred, the Director may determine that one or more facilities in violation of their respective Individual Load Limits are ineligible for continued authorization under this permit (see Part V, Item A.1).

a. Determinations regarding ineligibility due to limit violations will be based on the following procedure:

i. For each facility, calculate the mass difference between the Individual Load and Individual Load Limit for the most recent season.

ii. Rank the facilities by mass difference (largest to smallest). Authorization under the general permit will be terminated for the single facility with the largest mass difference.

iii. Recalculate the Cumulative Load and calculate the Load Threshold.

iv. If the recalculated Cumulative Load exceeds the Load Threshold, repeat steps (ii) and (iii). Continue this process until the recalculated Cumulative Load is below the Load Threshold by the following margins:

- A. First permit cycle: 0% (i.e. any amount) below the Load Threshold;
- B. Second permit cycle: 0% below the Load Threshold;
- C. Third permit cycle: 5% below the Load Threshold;
- D. Fourth permit cycles: 10% below the Load Threshold;
- E. Fifth and subsequent permit cycles: 15% below the Load Threshold;

b. Recalculations performed in accordance with Part I, Item C.4.a shall be performed solely for purposes of making a determination regarding ineligibility and they shall not affect or change in anyway the Cumulative Load that had been in effect in any prior seasons.

c. Permittees determined to be ineligible for continued authorization will be notified by the Director and must terminate their coverage (see Part II, Item D).

d. Facilities whose authorization was terminated following the procedure above may be eligible to have authorization under this permit restored following two consecutive years of compliance with total phosphorus effluent limits in their respective individual NPDES permit, provided that any changes to any such facilities' individual NPDES permits satisfy antibacksliding requirements.

## PART II. NOTICE OF INTENT REQUIREMENTS

### A. Authorization

1. The 39 facilities identified in Part I shall be granted authorization by Ohio EPA under this permit without a requirement for Notice of Intent (NOI) submission, per 40 CFR 122.28(b)(2)(vi). The Director will provide written notice of this authorization.
2. After the initial authorization of the 39 facilities, any entity seeking authorization to discharge total phosphorus under this permit must submit a complete NOI in accordance with the requirements of Part II of this permit, using a NOI form provided by the Director. After the complete NOI is reviewed by the Ohio EPA, the permittee shall be notified as to Ohio EPA's approval or denial for coverage under this general permit.

### B. Contents of Notice of Intent

The applicant shall complete and submit an approved NOI form provided by Ohio EPA. An NOI that is incomplete or deficient will be returned to the applicant. The NOI electronic application form is available through the Ohio EPA eBusiness Center at:

<https://ebiz.epa.ohio.gov/>

### C. Submittal of the NOI

1. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) prior to the submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN. A guide for the Ohio EPA eBusiness Center is available in the link below:  
[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(Dashboard\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(Dashboard).pdf)
2. NOIs shall be signed in accordance with Part V.D of this permit.

### D. Notice of Termination (NOT)

1. When a permittee seeks to terminate coverage under this permit, the permittee must submit a NOT that is signed in accordance with Part V.D of this permit. The NOT shall include the information required by the NOT form and shall be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service using the online form provided by the Director of the Ohio EPA. The form is available at:  
<https://ebiz.epa.ohio.gov/login.html>
2. Submission through the Ohio EPA eBusiness Center shall require establishing an Ohio EPA eBusiness Center account and obtaining a unique PIN for submission of the NOT. Existing eBusiness Center account holders can access the NOT form through their existing account and submit using their existing PIN at the following:  
[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(Dashboard\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(Dashboard).pdf)
3. Concurrently with submission of the NOT, the permittee shall submit to Ohio EPA an application to modify their individual NPDES permit to incorporate total phosphorus effluent limitations based on their individual wasteload allocation assigned in the Maumee Nutrient TMDL. The NPDES Modification Application must be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service using the online form provided by the Director of the Ohio EPA. The form is available at:  
<https://ebiz.epa.ohio.gov/login.html>

4. The permittee shall continue to be subject to this General Permit until the NOT is acted upon by the Director. The Director will terminate the permittee's authorization to discharge under this General Permit on the date that the permittee's individual NPDES permit is modified and becomes fully effective to incorporate total phosphorus effluent limitations based on the permittee's individual wasteload allocation assigned in the Maumee Nutrient TMDL. See Part IV, Item C.5.

PART III. 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 total phosphorus in accordance with the effluent limitations in Part IV of this permit and the following monitoring requirements.

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
51451 – Phosphorus, Total – Kg	-	-	-	-	-	-	-	1/Year	Calculated	July

a. Phosphorus – a calculated Individual Load in “kilograms”. Calculate the Individual Load and enter the value to two significant figures under the maximum concentration for this parameter once in the July Discharge Monitoring Report (eDMR).

b. The Individual Load shall be calculated according to the following equation, using data collected as required by each permittee’s respective individual NPDES permit:

$$\text{Load} = C_M * Q_S * F$$

Where:

$C_M$  = median of total phosphorus effluent concentration data for the season in mg/L

$Q_S$  = sum of all effluent daily flow rate data for the season in million gallons

F = conversion factor = 3.7854

c. Data used to calculate the Individual Load shall be from the “spring” season, defined as beginning in March and lasting through July.

d. Effluent Limitations - see Part IV.

PART IV. EFFLUENT LIMITATIONS

A. Individual Load Limits and Reporting

1. Total phosphorus Individual Load Limits for each facility that may be eligible for authorization under this permit are listed below. These limits are consistent with the assumptions and requirements of the *Maumee Watershed Nutrient TMDL*, in accordance with 40 CFR 122.28(a)(3) and 40 CFR 122.44(d)(vii)(B).

Facility Name	Limit
Village of Ada WWTP	500
Allen County American II WWTP	300
Allen County American-Bath WWTP	370
Allen County Shawnee II WWTP	750
Village of Archbold WWTP	620
Village of Bluffton WWTP	470
City of Bowling Green McDowell WTP	290
City of Bryan WWTP	770
Campbell Soup Supply Co.	2500
Cooper Farms Van Wert	120
Village of Columbus Grove	350
Village of Cridersville WWTP	340
City of Defiance WWTP	1500
City of Delphos WWTP	1000
Village of Delta WTP	180
Village of Delta WWTP	310
Village of Elida WWTP	340
City of Findlay WPCF	3200
G.A. Wintzer and Son Co.	110
Village of Hicksville WWTP	400

Facility Name	Limit
IronUnits LLC Toledo HBI	430
Village of Leipsic WWTP	370
Lima Refining Company	600
City of Lima WWTP	4000
Lucas County WRF	4800
Village of Montpelier WWTP	250
City of Napoleon WTP	140
City of Napoleon WWTP	620
Village of New Bremen WWTP	380
City of Ottawa WWTP	750
Village of Paulding	300
PCS Nitrogen Ohio	1800
City of Perrysburg WWTP	2000
City of St Marys WWTP	750
Village of Swanton WWTP	390
City of Toledo Bay View WWTP	27,900
City of Van Wert WWTP	1000
City of Wapakoneta WWTP	1500
City of Wauseon WWTP	370

Limit = seasonal Individual Load Limit for total phosphorus in kilograms (kg)

2. Individual Load Limits apply to discharges for the spring season, defined as beginning in March and lasting through July.

B. Cumulative Load Limits

1. The Cumulative Load Limit is defined as the sum of the Individual Load Limits of all facilities authorized under this permit, plus an allowance for future growth.

2. The allowance for future growth is currently 1,400 kg of total phosphorus. The allowance for future growth may be reduced if a portion of that allowance is allocated to a discharger. The Director will provide notice of any changes to this value to permittees prior to the start of each season.

3. The list of permittees authorized under this permit may change on an annual basis. The Director will provide a specific Cumulative Load Limit value to permittees prior to the start of each season.

C. Compliance with Total Phosphorus Limits

1. The sum of the Individual Loads from all facilities covered under this general permit (“Cumulative Load”) shall not exceed the Cumulative Load Limit.



2. For any given season, individual permittees shall be in compliance with its Individual Load Limit if:
  - a. The Cumulative Load does not exceed the Cumulative Load Limit or;
  - b. The Cumulative Load exceeds the Cumulative Load Limit but the permittee's Individual Load does not exceed their respective Individual Load Limit.
3. For any given season, individual permittees are in violation of their Individual Load Limit only if:
  - a. The Cumulative Load exceeds the Cumulative Load Limit and;
  - b. The permittee's Individual Load exceeds their respective Individual Load Limit.
4. Upon review of each Season Report and comparison of the Cumulative Load to the Cumulative Load Limit, the Director may re-evaluate the eligibility of permittees in violation of their respective Individual Load Limits (see Part I, Item C.4).
5. For any permittee determined to be ineligible but is still authorized under this general permit (i.e. the Notice of Termination has not yet been acted upon by the Director), any future exceedance of its Individual Load Limit shall be a violation of this General Permit regardless of whether the Cumulative Load exceeds the Cumulative Load Limit.
6. The total phosphorus limitations in this permit do not supersede total phosphorus limitations in the permittees' respective individual NPDES permits. Permittees must comply total phosphorus limitations in both the general and individual NPDES permits.

#### D. Total Phosphorus Season Report

No later than September 1<sup>st</sup> of each year, each permittee shall submit a seasonal report to Ohio EPA. The report shall be submitted electronically using the Maumee General Permit Seasonal Report available through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service. A report can be 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-technicalassistance>

The season report shall include:

1. The calculated Individual Load and a brief assessment comparing the Individual Load to the permittee's Individual Load Limit.
2. A summary of any activities, projects, or planning conducted in the previous 12 months with a goal to reduce the total phosphorus load;
3. Any additional relevant information which should be considered in an evaluation of the total phosphorus load from the permitted facility.

## PART V. STANDARD PERMIT CONDITIONS

### A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of coverage under a renewal of this general permit.

### 2. Penalties for Violations of Permit Conditions.

#### a. Criminal

(1) Ohio Revised Code Chapter 6111 provides that any person who violates permit conditions may be subject to a fine or imprisonment.

(2) Ohio Revised Code Section 6111.99 provides that any person who purposely 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 or imprisoned not more than four years, or both.

(3) Ohio Revised Code Section 6111.99 provides 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 \$10,000 per violation or imprisoned not more than four years, or both.

(4) Ohio Revised Code 6111.99 provides that any person who purposely violates Sections 6111.04, 6111.042., 6111.05., or division (A) or (C) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than four years, or both

b. Civil Penalties. Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued provided the NOI has been submitted within 45 days after the effective date of the renewed general permit.

C. Need to halt or reduce activity not a defense. 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 the conditions of this permit.

D. Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications or information either submitted to the Director (and/or the operator of a large or medium municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed.

### 1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(1) 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

(2) 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.

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

c. 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.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

c. Changes to authorization. If an authorization under paragraph V.D.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.D.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

E. Transfers. Upon receiving a request for a transfer, the Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part V.F. 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:

1. 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 Ohio EPA Central Office sixty days prior to the proposed date of transfer;

2. 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 Ohio EPA central office within sixty days after receipt by the central office of the copy of the letter from the permittee to the succeeding owner;
3. 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 revoke the permit and to require that a new NOI be filed; and
4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

At any time during the 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.

F. Requiring an individual permit or an alternative general permit.

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by submitting an NOT and applying for an individual permit modification. The owner or operator shall submit an individual modification application with reasons supporting the request to the Director. Individual permit applications shall be submitted via the Ohio EPA e-business center. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request (see Part I.C).

G. Environmental Laws. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

H. Reporting.

1. Monitoring data required by this permit shall be reported on the Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center is available on the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

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

<http://www.epa.ohio.gov/dsw/edmr/eDMRpin.aspx>

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

4. 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.

5. 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."

I. 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.

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

1. The exact place and date of sampling (time of sampling not required on EPA 4500);
2. The person(s) who performed the sampling or measurements;
3. The date the analyses were performed on those samples;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses and measurements.

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

1. All sampling and analytical records (including internal sampling data not reported);
2. All original recordings for any continuous monitoring instrumentation;
3. All instrumentation, calibration and maintenance records;
4. All plant operation and maintenance records;
5. All reports required by this permit; and
6. 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.

The permittee shall retain records pertaining to sewage sludge for a minimum of five years.

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

L. 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 Ohio EPA Central Office. 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 Ohio Revised Code Section 6111.99.

M. 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.

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

O. Discharge Changes. The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable.

1. For all treatment works, any significant change in character of the discharge that the permittee knows or has reason to believe has occurred or will occur that would constitute cause for termination. 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.

2. For publicly owned treatment works (POTW):

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

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

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

3. 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, a determination will be made as to whether the permit should remain unchanged or be terminated. 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.

P. Permit Revocation

1. After notice and opportunity for a hearing, permit coverage may be revoked by the Ohio EPA during its term for cause including, but not limited to, the following:

a. violation of any terms or conditions of this permit;

b. obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;

c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or

2. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part II.F. for requirements regarding Notice of Termination (NOT).

Q. 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.

R. 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.

S. 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.

T. 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 an injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

U. 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.

V. 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.

## PART VI - DEFINITIONS

"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.

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4 33 U.S.C. 1251 et.seq.

"Cumulative Load" means the sum of the Individual Loads from all permittees covered under this general permit.

"Cumulative Load Limit" means the sum of the Individual Load Limits of all permittees covered under this general permit

"Director" means the director of Ohio EPA or an authorized representative.

"Existing" For the purpose of this permit, an existing point source discharge is one that was in existence prior to July 1, 1993, or any sanitary sewage treatment facility that has previously been covered by an NPDES permit.

"Individual Load" means the total phosphorus load discharged by an individual permittee during the critical season of March through July. A condition directing how the Individual Load must be calculated is provided in Part III, Item 1.b of this permit.

"Individual Load Limit" means the loading limit that applies to the total phosphorus load discharged by an individual permittee during the critical season of March through July, which is based on the individual wasteload allocation assigned in the Maumee Watershed TMDL.

"kg" means kilograms.

"Load Threshold" means a calculated value used within the procedure to evaluate eligibility following effluent violations (Part I, Item C.4). The value is calculated as the sum of the Individual Load Limits of the remaining facilities authorized under this permit, after removing the Individual Load Limit of a terminated facility.

"mg/l" means milligrams per liter.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program".

"NOI" means notice of intent to be covered by this permit (see Part II of this permit).

"NOT" means notice of termination (see Part II of this permit).

"Receiving waters" means the waters of the state into which point and non-point sources flow.

"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.

"Sanitary wastewater" means any liquid waste containing 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.

"Sewage" means any substance that contains waste products or excrementitious or other discharge from the bodies of human beings or animals.

"Sewage treatment system" means a system or device used in the treatment of sanitary wastewater.

"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.

"Waters of the State" means all streams, lakes, reservoirs, ponds, marshes, wetlands, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, 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 waters.