

NPDES Permit No. OHD000001

Effective Date: TBD

Expiration Date: 5 Year Permit

OHIO ENVIRONMENTAL PROTECTION AGENCY
GENERAL PERMIT AUTHORIZATION
FOR DISCHARGES FROM DATA CENTER FACILITIES 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 associated with data center facilities, as defined in Part IV of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", from the outfalls at the sites and to the receiving waters identified in the applicant's Notice of Intent (NOI) application on file with Ohio EPA in accordance with the conditions specified in Parts I through VI of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. Provision (D)(1)(j) of antidegradation rule 3745-1-05 of the Ohio Administrative Code was applied to this application. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other rule provisions, however, including public participation and appropriate intergovernmental coordination were required and considered prior to reaching this decision.

Granting of permit coverage is conditioned upon payment of applicable fees and submittal of a complete and acceptable Notice of Intent form. Permit coverage does not become effective until the permittee receives written notification from the Director that coverage is granted.

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 (see Part II).

John Logue

Director

Total Pages: 31

PART I. COVERAGE UNDER THIS PERMIT

- A. Permit Area. This permit covers the entire state of Ohio.
- B. Applicability. Ohio Revised Code Chapter 6111 provides that pollutants discharged from data center facilities (as defined in Part VI of this permit) to waters of the state are unlawful unless authorized by an NPDES permit. Entities that are eligible for coverage under this permit and that submit a complete and acceptable 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 discharges.
- C. Eligibility.
1. This permit may cover all existing and proposed point source discharges from data center facilities to surface waters of the state with the exception of those discharges identified under Part I.C.2. Existing point source discharges mean those facilities that were constructed and discharging prior to July 1, 1993, or have an existing NPDES permit. Discharges eligible for coverage under this permit are:
 - a. "once through cooling water" (e.g., the water passed through a cooling system for the purpose of removing unwanted heat), or "recirculated cooling water" (e.g., the water that is passed through a cooling system for the purpose of removing unwanted heat and then recycled back through the cooling system for reuse). This discharge may result from a variety of heat-transfer systems designed to remove unwanted heat as a result of industrial activities;
 - b. low volume wastewater discharges to waters of the state, including but not limited to, cooling tower blowdown, boiler blowdown, and air compressor condensate (See Part VI of this permit for a definition of low volume wastewater including those wastewaters that are excluded), and;
 - c. stormwater associated with the industrial activities (See Part VI), including but not limited to, generators, fuel and chemical storage tanks, outdoor equipment storage, and material loading/unloading areas.
 2. Limitations on Coverage. The following discharges are not authorized by this permit:
 - a. a discharge that is subject to an existing NPDES individual permit with a final effluent limitation or parameter that is not addressed by this general permit and that exhibits the reasonable potential to cause or contribute to an exceedance of Ohio Water Quality Standards;
 - b. a discharge that the Director has determined to have reasonable potential to cause or contribute to an exceedance of Ohio Water Quality Standards, including discharges that require thermal load limits or maximum temperature limits as part of a thermal management requirement;
 - c. a discharge that is located within five-hundred yards upstream of a public water supply surface water intake and cannot meet Ohio's public water supply standards;
 - d. a discharge that discharges directly to the Ohio River that cannot meet public water supply standards at the point of discharge;

- e. with the exception of an existing discharge, any discharge to Outstanding State Waters, Superior High Quality Waters, Category 3 wetland or Outstanding National Resource Waters, other than Lake Erie, as defined by and identified in rule 3745-1-05 of the Ohio Administrative Code, or direct tributaries to these waters within two stream miles of these waters;
- f. A discharge to a receiving water with a seasonal salmonid habitat use designation;
- g. facilities discharging to a lake other than Lake Erie;
- h. facilities obtaining cooling water from a surface water intake that have design intake flow rates equal to or greater than 2 MGD or have been determined to have adverse environmental impact by the Director;
- i. stormwater, process, and industrial wastewater discharges from co-located activities, such as steam electric power generation facilities, as defined under 40 CFR 423;
- j. discharges of water from boiler or heat exchanger cleaning operations;
- k. a discharge for which the Director requests an individual NPDES permit application;
- l. a discharge to combined or sanitary sewer systems;
- m. a discharge to groundwater;
- n. a discharge from a facility that, in the judgment of the Director, is not likely to comply with the terms and conditions of this permit, and;
- o. a discharge that contains a total concentration of volatile organic compounds greater than 100 ug/l (monthly average). Volatile organic compounds are those chemicals with Henry's Law Constants greater than 0.001, and water solubilities less than 8000 mg/l.

These include, but are not limited to, the following chemicals:

Benzene
Carbon Disulfide
Carbon Tetrachloride
Chlorobenzene
Chloromethane
Chloroform
Dibromochloromethane
Dichlorodifluoromethane
1,1-Dichloroethane
1,2 - Dichloroethane
1,1-Dichloroethene (1,1-Dichloroethylene)
cis-1,2-Dichloroethene (cis - 1,2 - Dichloroethylene)
trans - 1,2 - Dichloroethene (trans - 1,2 - Dichloroethylene)
1,2 - Dichloropropane
1,3 - Dichloropropene (1,3 - Dichloropropylene)

Ethylbenzene

n - Hexane

Methylene Chloride (Dichloromethane)

Styrene

1,1,1,2 - Tetrachlorethane

1,1,2,2 - Tetrachloroethane

Tetrachloroethene (Tetrachloroethylene)

Toluene

1,1,1 - Trichloroethane

1,1,2 - Trichloroethane

Trichloroethene (Trichloroethylene)

Trichlorofluoromethane

1,2,3 - Trichloropropane

Vinyl Chloride (Chloroethene, Chloroethylene)

Xylenes

3. The permittees' methods of obtaining cooling water have been evaluated using available information. Based on best professional judgment, Ohio EPA has determined that the permittees meet Best Technology Available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. section 1326) due to the low withdrawal rates.
 - a. The permittee shall give 90 days advance notice to the Ohio EPA, Central Office, of any planned changes in the location, design, operation, or capacity of the cooling water intake structure.
 - b. Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

D. Authorization.

1. To seek authorization to discharge under this general permit, dischargers associated with data center facilities must submit a complete and acceptable NOI in accordance with the requirements of Part II of this permit, using an NOI application form provided by the Director. Coverage under this permit shall not be effective until the Director notifies the person submitting a NOI that the discharge is authorized under the general permit.
2. After the NOI form is reviewed by the Ohio EPA, the applicant shall be notified as to whether their discharge is authorized pursuant to this general permit. The Director shall maintain a list of each facility authorized to discharge under this general permit.
3. The Director may require submittal of an application for an individual NPDES permit based on a review of the NOI or other information. Any interested person may petition for the Director to take action under this paragraph. Cases where an individual NPDES permit may be required include the following:
 - a. The discharger is not in compliance with the conditions of the general NPDES permit;

- b. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- c. Effluent limitation guidelines are promulgated for point sources covered by this permit;
- d. A water quality management plan containing requirements applicable to this permit is approved;
- e. Circumstances have changed since the time of the request to be covered such that the discharge is no longer appropriately controlled under the general permit, or a temporary or permanent reduction or elimination of the authorized discharge is necessary;
- f. Wastewater discharges that contain treatment or cooling additives (i.e., corrosion or scale inhibitors), unless the applicant submits an additive request and the Director approves their use in accordance with Part IV Item G of this permit; and
- g. The Director determines the discharge a significant contributor of pollutants.

PART II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. No NOIs will be accepted prior to the effective date of this permit.
2. Coverage under the general permit is transferable. Ohio EPA must be notified in writing at least 60 days prior to any proposed transfer of the general permit (see Part V.E. for transfer requirements).

B. Contents of a NOI.

The NOI shall include the information required by the NOI form and its instruction sheet. An NOI which is incomplete or deficient will be returned to the applicant.

The NOI shall contain the following information: estimated seasonal flow fluctuation including peak month; a flow diagram of the stormwater drainage showing pathways for all process water and stormwater along with treatment or storage systems; description of activities and operations that verify permit eligibility; supplementary data; and a list and description of any proposed chemical additives. Chemical additives need to be reviewed and approved. (Contact the Division of Surface Water, Permitting Section.)

Supplementary data based on discharge monitoring results, an actual data pilot study, estimates from other engineering studies, data from other similar sites, or best professional estimates representative of the applicant's wastewater discharge shall include the following:

- Oil and Grease, Total Phosphorus and Total Filterable Residue;
- Total Residual chlorine and/or Total Residual Oxidants;
- Any representative temperature data along with a demonstration that the discharge meets the monthly water quality standards established in OAC 3745-1 for the receiving water;
- For applicants who obtain water directly from ground water sources, the results of effluent analyses, including metals and volatile organic compounds of the wastewater discharged. The list of volatile organic compounds to be monitored is shown in Part I.C.2.o. of this permit. Monitoring results shall include data for arsenic, barium, cadmium, chromium, copper, dissolved solids, iron, lead, nickel, selenium, strontium, and zinc;
- For applicants obtaining water from a public water supply source, the results of a metals analysis of the wastewater discharged. Metals to be monitored under this provision shall include copper, lead, and zinc, and;
- When the water source is from a surface water intake, the maximum daily intake flow rate, the average daily intake flow rate, and the percentage of intake water used for cooling purposes.

The NOI electronic application form is available through the Ohio EPA eBusiness Center at:

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

C. Submittal of 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) for 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/divisions-and-offices/surface-water/permitting/electronic-business-services>

2. NOIs shall be signed in accordance with Part V.D of this permit.
3. Payment in the amount designated on the form can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found under the ePay tab at:

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

D. Additional Notification.

Facilities that discharge through a municipal separate storm sewer system shall, in addition to filing copies of the NOI in accordance with Part II.C, also submit signed copies of the NOI to the operator of the municipal separate storm sewer system (MS4) through which they discharge in accordance with the deadlines in Part II.A of this permit.

E. Renotification.

In order to receive authorization to discharge beyond the date of expiration of the general permit (i.e. renew existing general permit coverage), the permittee shall notify the Director of its intent to be covered by the new general permit by submitting a new NOI within 45 days after the effective date of the renewed general permit.

F. Notice of Termination (NOT).

When discharge(s) authorized by this permit are eliminated, the permittee must submit a Notice of Termination that is signed in accordance with Part V.D of this permit within 60 days.

The NOT shall include the information required by the NOT form and shall be submitted through the Ohio EPA eBusiness Center using the online form provided by the Director of the Ohio EPA. The form is available at: <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services>

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.

PART III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Wastewater Discharge (i.e. non-contact cooling water). During the period beginning on the effective date of this permit and lasting until permit expiration, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements.

Table - Final Outfall - 001 – Final

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>							<u>Monitoring Requirements</u>		
Parameter	Concentration Specified Units				Loading kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00011 - Water Temperature - F	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	-	-	-	-	-	-	-	1/2 Weeks	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
34044 - Oxidants, Total Residual - mg/l	0.0024	-	-	0.00026	-	-	-	When Disch.	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 – Chlorine, Total Residual – mg/l	0.019	-	-	0.011	-	-	-	When Disch.	Grab	All
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Multiple Grab	All
61942 - pH, Minimum - S.U.	-	6.5	-	-	-	-	-	1/Day	Multiple Grab	All
70300 - Residue, Total Filterable - mg/l	-	-	-	1500	-	-	-	1/Week	Composite	All

Notes for this table 001:

a. Sampling shall be performed when discharging. Discharge Monitoring Reports (DMRs) shall be submitted by the 20th day of the month following the month-of-interest, regardless of whether a discharge occurred during the month. If there are NO DISCHARGES DURING THE ENTIRE MONTH select the "No Discharge" check box on the data entry form and PIN the eDMR.

- b. The water temperature to be reported shall be representative of normal operating conditions. The use of a maximum-indicating thermometer is acceptable. The maximum temperature measured during each day shall be reported.
- c. When stormwater is mixed with the wastewater discharge, benchmark monitoring shall capture a storm event at least once a quarter for total suspended solids and oil and grease. Monitoring for oil and grease is required once every two weeks regardless of if the discharge is commingled with stormwater.
- d. Total Phosphorus “When Discharging” monitoring is required only if Ohio EPA has determined it necessary during the application review and/or Ohio EPA has approved the use of a treatment additive that releases phosphorus. Monitoring is required at a frequency of 1/week.
- e. Total suspended solids “When Discharging” monitoring is required during a storm sampling event at a frequency of 1/quarter. This also applies to oil and grease.
- f. Benchmark monitoring shall be performed in accordance with sampling requirements in Part IV, K. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are for your use to determine the overall effectiveness of your best management practices and to assist you in knowing when additional corrective action(s) may be necessary.

<u>Parameter</u>	<u>Benchmark</u>
Total Suspended Solids	100 mg/l
Oil and Grease	10 mg/l

g. Total Residual Oxidants (TRO):

- 1) Permittees are required to monitor for this parameter only if Ohio EPA has approved the use of a treatment additive that releases bromine, or a combination of bromine and chlorine;
- 2) Monitoring is required once per week during weeks when the treatment additive(s) are used;
- 3) Sampling for TRO shall be performed during bromination.

h. Total Residual Chlorine (TRC):

- 1) Permittees are required to monitor for this parameter only if either:
 - i. The source water is treated public water or other chlorinated water source, or
 - ii. Ohio EPA has approved the use of a treatment additive that releases chlorine, but not bromine;
- 2) Monitoring is required once per week during weeks when the treatment additive(s) are used;
- 3) Monitoring is not required for weeks when monitoring is performed for TRO; and
- 4) Sampling for TRC shall be performed during chlorination, but not when bromine is used.

i. Analyses for TRO and TRC are to be performed by Standard Method 4500-CL E (low level amperometric titration) or another equivalently sensitive TRC method approved in 40 CFR 136.

PART III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. Stormwater Discharge Only. During the period beginning on the effective date of this permit and lasting until permit expiration, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements.

Table - Final Outfall - 002 – Final

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>							<u>Monitoring Requirements</u>		
Parameter	Concentration Specified Units				Loading kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All

Notes for this table 002:

a. The site may have more than one stormwater discharge point (outfall), but all outfalls are expected to meet the above monitoring requirements unless discharges are deemed substantially identical. See Part IV, K.

b. Sampling shall be performed when discharging. Discharge Monitoring Reports (DMRs) shall be submitted by the 20th day of the month following the month-of-interest, regardless of whether or not a discharge occurred during the month. If there are NO DISCHARGES DURING THE ENTIRE MONTH select the "No Discharge" check box on the data entry form and PIN the eDMR.

c. "When Discharging"– total suspended solids and oil and grease monitoring is only required during a storm sampling event at a frequency of 1/quarter. Benchmark monitoring shall be performed in accordance with sampling requirements in Part IV, K. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are for your use to determine the overall effectiveness of your best management practices and to assist you in knowing when additional corrective action(s) may be necessary.

<u>Parameter</u>	<u>Benchmark</u>
Total Suspended Solids	100 mg/l
Oil and Grease	10 mg/l

d. Quarterly sampling may be collected any time during the quarter (Q1 = January 1 - March 31; Q2 = April 1 - June 30; Q3 = July 1 - September 30; and Q4 = October 1 - December 31) and reported on the applicable eDMR.

PART IV. SPECIAL CONDITIONS

A. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable standards or regulations.

B. Samples taken in compliance with the effluent monitoring requirements shall be collected following treatment (if provided) and prior to either direct discharge to the receiving stream or storm sewer. All sample results shall be reported on the electronic discharge monitoring reports (eDMRs). All sample analysis shall be conducted according to Part V, Item M.

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

D. Composite samples shall be comprised of at least three grab samples proportionate in volume to the discharge flow rate at the time of sampling and collected at intervals of at least 30 minutes, but not more than 2 hours, during the period that the plant is staffed on each day for sampling. Such samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

E. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

F. The permittee shall maintain on the facility site, any reports and plans documenting existing on-site environmental controls (for water pollution control purposes), which may include any ground water protection controls and spill/runoff containment. These reports and plans must be made available to the Director or an authorized representative of the Director upon request.

G. Treatment Additives

Written permission must be obtained from the director of the Ohio EPA prior to the use of any treatment additives discharged to waters of the state, except for those exempt in rule. If additives are being used that have not previously been approved, an approval must be obtained for continued use. Discharges of these additives must meet Ohio Water Quality Standards and shall not be harmful or inimical to aquatic life. Request for approvals shall be filed in accordance with OAC 3745-33-03(G) and should be filed at least forty-five days prior to use or immediately if the additive is currently being used. Application forms are available for download on the DSW website: <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permit-applications-industrial-and-municipal-discharges->

H. Limits Below Quantification

The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML). Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below

the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

<u>Parameter</u>	<u>PQL</u>	<u>ML</u>
Chlorine, tot. res.	0.050 mg/l	—
Oxidants, tot. res	0.050 mg/l	—

This permit may be modified, or, alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

I. Sufficiently Sensitive Data / Method Detection Limits

The permittee shall use analytical procedures approved under 40 CFR 136 with sufficiently sensitive method detection limits (MDLs) that are capable of detecting and measuring the pollutants at, or below, the respective water quality criteria or existing permit effluent limits. All detected concentrations values above the MDL must be reported.

J. Stormwater Best Management Practices

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge stormwater associated with industrial activity from the site, including stormwater associated with industrial activity discharged at outfall 001, and any non-storm water discharges from firefighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used; air conditioning condensate; boiler condensate; springs; groundwater; and foundation or footing drains from various outfalls.

To the extent practical, spill prevention and good housekeeping techniques, along with diversion of clean water, shall be used to ensure that stormwater from the site is not contaminated, and to ensure that stormwater discharges maintain Ohio Water Quality Standards in the receiving water. The permittee shall minimize contamination of stormwater runoff from all areas where equipment maintenance and/or fuel storage takes place through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems; using dry cleanup methods; treating and/or recycling collected stormwater runoff; and minimizing run on/runoff of stormwater to/from maintenance areas.

Part III of this permit contains a quarterly stormwater benchmark monitoring requirement. Benchmarks are assigned for total suspended solids and oil and grease to ensure that proper management practices and housekeeping are maintained to minimize runoff of oily substances and particulate material. Stormwater samples shall be collected from outfalls or flow paths that are representative of site industrial activity and consist only of stormwater.

K. Stormwater Benchmark Monitoring

1. For monitoring purposes, a stormwater outfall can include a discrete conveyance (i.e., pipe, ditch, channel tunnel or conduit) or a location where sheet flow leaves your facility's property. If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s).

2. Commingled Discharges

If the wastewater discharges authorized by this permit commingle with stormwater discharges, the required sampling shall be performed at a point before they mix with other waste streams, to the extent practicable. Otherwise, the commingled discharge shall be sampled at the final outfall during a storm event.

3. Measurable Storm Event

Stormwater monitoring shall be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring shall be performed at a time when a measurable discharge occurs at your site.

4. Sample Type

A grab sample shall be collected within the first 30 minutes from a discharge resulting from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample shall be collected as soon as practicable after the first 30 minutes and documentation shall be kept onsite explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples shall be taken during a period with a measurable discharge.

5. Benchmark Monitoring

Benchmark monitoring data are for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the best management practices.

During the first 8 quarterly monitoring periods of your permit coverage, you shall select a total of 4 quarterly monitoring periods and perform benchmark monitoring. Over this 2-year period, one benchmark sampling event shall be taken during each of the quarterly monitoring periods. After collection of quarterly samples, you shall average your 4 monitoring values and compare to the benchmark concentration. If the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. If the value for any parameter exceeds the benchmark, you shall review the BMPs and make any modifications and begin another 2-year benchmark monitoring period. After collection of the quarterly samples, you shall average your 4 monitoring values and compare them to the benchmark concentration to determine the effectiveness of your modification.

L. Pesticide Application

The permittee may apply EPA-approved pesticides to storm water containments for the purpose of controlling growth of algae and nuisance vegetation. Any applications of pesticides shall be performed in accordance with the product label.

All permittees are required to keep the following documentation:

1. Name of each pesticide product used (including the EPA registration number);
2. Description of the treatment area(s);
3. Quantity of each pesticide product applied to each treatment area; and
4. Pesticide application date(s).

M. Spill Prevention Control and Countermeasure

The permittee shall maintain on the facility site, any reports and plans documenting existing on-site environmental controls (for water pollution control purposes), which may include any ground water protection controls and spill/runoff containment measures, including information associated with SPCC requirements. These reports and plans must be made available to the Director or an authorized representative of the Director upon request.

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 Ohio Administrative Code Chapter 3745-38 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

a. Criminal

(1) Ohio Revised Code Chapter 6111.99 provides that any person who purposely or knowingly violates permit conditions is subject to a fine or imprisonment.

(2) False Statement. Ohio Revised Code Section 2921.13 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, shall upon conviction be punished by a fine or by imprisonment for not more than six months, or both.

(3) Where the permittee becomes aware that it failed to submit any relevant facts in a NOI or submitted incorrect information in a NOI or in any report to the Director, it shall promptly submit such corrected facts or information.

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 municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs.

a. In the case of a corporation, by a responsible corporate officer. For these purposes, a responsible corporate officer means:

(i) 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

(ii) 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. In the case of 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 representative. A person is a duly authorized representative only if:

i. The authorization is made in writing by a person described in OAC 3745-33-03(F).

ii. 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 of Permit Coverage.

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. No later than 60 days prior to the date of the transfer, the applicant shall submit a complete and acceptable application for permit transfer. Failure to complete the application and follow the associated instructions may result in the application being returned to the applicant. The transfer application is available in and shall be submitted through STREAMS, available on the Ohio EPA eBusiness Center

2. 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, the permit will be modified to reflect the new owner.

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

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may notify the owner or operator in writing that a permit application is required. This notice may include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the appropriate Ohio EPA district office. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C, 2D, 2E, or 2F) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA district office. 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).

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

G. Other Laws.

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

H. Inspection and Entry.

The permittee shall allow the Director or any representative authorized by the Director, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. 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;

2. Have access to and copy at reasonable times any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Ohio Revised Code Chapter 6111, any substances or parameters at any location.

I. Upset.

1. The provisions of 40 CFR 122.41(n), relating to "Upset," are incorporated herein by reference in their entirety. For definition of "upset," see Part VI., Definitions. For reporting of upsets, see Part V, Item S.4.
2. An upset constitutes an affirmative defense to an action brought for non-compliance with a technology-based permit effluent limit if the requirements of Part V.I.3. of this permit are met. No determination made during administrative review of claims that non-compliance was caused by upset, and before an action for non-compliance, is a final action subject to judicial review.
3. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. an upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. the permitted facility was at the time being properly operated;
 - c. the permittee submitted notice of the upset as required by Part V., paragraph S of this permit titled "Noncompliance Notification"; and,
 - d. the permittee complied with any remedial measures required under Part V., paragraph T of this permit titled "Duty to Mitigate".
4. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proving the conditions of Part V. I.3.a through I.3.d.

J. RESERVED

K. Facility Operation and Quality Control.

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

1. At all times, the permittee maintains in good working order and operates 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.
2. The permittee effectively monitors the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

3. 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 Part V entitled, "UNAUTHORIZED DISCHARGES".

L. Reporting.

1. Monitoring data required by this permit shall be reported on a monthly frequency using Ohio EPA Discharge Monitoring Report (DMR) and submitted through the e-DMR platform, which is, accessible through the Ohio EPA eBusiness Center.

2. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official as specified in Paragraph D of this Part. Delegated Responsible Officials must be delegated by the Responsible Official using the eBusiness Center's delegation function. For e-DMR, any person signing and submitting the DMR must have an eBusiness Center account and Personal Identification Number (PIN). More information on e-DMR submission or the PIN and delegation processes, please view the following web page:

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

3. DMRs 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 in the NOI 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, but records shall be retained as specified in Part V entitled "RECORDS RETENTION."

M. Sampling and Analytical Methods.

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

2. The permittee shall use test procedures from the methods cited above that are sufficiently sensitive for the pollutant parameter being analyzed. Methods are sufficiently sensitive when any of the following conditions are met:

- a. The method quantification level (QL) is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter;
- b. The method QL is above the applicable water quality criterion, but the amount of pollutant or pollutant parameter in the permittee's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
- c. The method has the lowest QL of the analytical methods approved under 40 CFR 136 or required

under 40 CFR subchapter N or O for the measured pollutant or pollutant parameter.

N. 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 date, time and precise location of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The date(s) 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.

O. Records Retention.

The permittee shall retain all of the following records for the discharge for a minimum of three years from the date of sample, 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.
7. All chain of custody forms within the past three 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 three-year period for retention of records shall start from the date of sample, measurement, report, or application.

P. 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 ORC 6111.05 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.

Q. 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, 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 maintained by this permit.

R. Unauthorized Discharges.

1. 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 Part V.R.2 and R.3.

2. Notice

a. Unanticipated Bypass - The permittee shall submit notice as required in Part V, Item S.3.

b. Anticipated Bypass - The permittee shall submit notice of an anticipated bypass as required in Part V, Item S.5.

3. Prohibition of Bypass

a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

- i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. 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
 - iii. The permittee submitted notices as required under paragraph R.2.
- b. 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 R.3.a.

S. Noncompliance Notification.

1. Spills or Discharges that may Endanger Human Health or the Environment

a. Any spill or discharge (other than an SSO) that may endanger human health or the environment must be reported within thirty (30) minutes of discovery by calling the Ohio EPA 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee must also, within 24 hours, complete a 24-hour Spill Notification report, available in and submitted to STREAMS, accessible through the eBusiness center at: <https://ebiz.epa.ohio.gov>.

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

- i. The name of the permittee, and a contact name and telephone number;
- ii. The time(s) at which the discharge occurred, and was discovered;
- iii. The approximate amount and the characteristics of the discharge;

- iv. The stream(s) affected by the discharge;
- v. The circumstances which created the discharge, and a name and telephone number of the person(s) who have knowledge of these circumstances;
- vi. What remedial steps taken or planned, and a name and telephone number of the person(s) responsible for such remedial steps;
- vii. If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- viii. If applicable, the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

2. Exceedance of a Daily Maximum Discharge Limit

The exceedance of a daily maximum discharge limit for any of the pollutants listed in the permit shall be reported within twenty-four (24) hours of discovery by submitting a Daily Max Limit Exceedance report, available in and shall be submitted to STREAMS through the Ohio EPA eBusiness Center.

3. Limit Exceedance due to Unanticipated Bypass

The exceedance of any discharge limit for any of the pollutants listed in the permit that is the result of an unanticipated bypass shall be reported within twenty-four (24) hours of discovery. The occurrence of an unanticipated bypass that does not result in exceedance of a discharge limit shall be reported at the time monitoring reports are submitted. In either instance, notification shall be provided by submitting a Non-Compliance: Unanticipated Bypass report, available in and shall be submitted to STREAMS through the Ohio EPA eBusiness Center.

4. Limit Exceedance due to an Upset

The exceedance of any discharge limit for any of the pollutants listed in the permit that is the result of an upset shall be reported within twenty-four (24) hours of discovery. The occurrence of an upset that does not result in exceedance of a discharge limit shall be reported at the time monitoring reports are submitted. In either instance, notification shall be provided by submitting a Non-Compliance: Upset report, available in and shall be submitted to STREAMS through the Ohio EPA eBusiness Center.

5. Anticipated Bypass

If the permittee knows in advance of the need for a bypass, the permittee shall, whenever possible, provide notification at least ten (10) days beforehand by submitting an Anticipated Bypass Notification report, which is available in and shall be submitted to STREAMS through the eBusiness Center.

6. All other permit violations

The permittee shall electronically report all other instances of noncompliance that are not covered by reports required in Items S at the time monitoring reports are submitted, by submitting a Noncompliance Notification report, which is available in and shall be submitted to STREAMS through the eBusiness Center.

T. 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.

U. 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 which would constitute cause for modification or revocation and reissuance of this permit. 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 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.
3. In addition to the reporting requirements under 40 CFR 122.41(1) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - a. 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 122.42(a)(1)(i) through 122.42(a)(1)(iv).
 - b. 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 40 CFR 122.42(a)(2)(i) through 122.42(a)(2)(iv).

V. Toxic Pollutants.

The permittee shall comply with effluent standards or prohibitions established under CWA 307 (a) 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.

W. 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

d. obtaining coverage under an individual or alternative general permit is required (see Part V.F.).

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

X. Oil and Hazardous Substance Liability.

With the exception of full compliance with the effluent limitations found in this general permit, 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 CWA Section 311.

Y. 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.

Z. 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.

AA. 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.

AB. 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 CWA Section 510.

AC. 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.

AD. 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.

AE. 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.

AF. Pollution Prevention.

Ohio EPA suggests that, if applicable, the permittee should evaluate potential prevention methods and install the latest pollution prevention technology if it is economically feasible. If pollution prevention methods are currently being used, it is suggested that they be re-evaluated; the latest pollution prevention technology should be installed if applicable, necessary, and economically feasible.

Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner.

The permittee can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, please contact the Ohio EPA, Office of Environmental Innovation at innovation@epa.ohio.gov.

AG. Permit-to-Install Required

A Permit-to-Install (PTI) is required by OAC 3745-42-02 in order to install or modify treatment/disposal systems, including systems to treat water from non-metallic mineral mining. The approval of coverage under this general permit shall in no way be construed as approval of detail plans or a PTI. The approval of a PTI does not preclude a facility from obtaining an NPDES permit. Discharges to surface waters require an effective NPDES permit, including those discharges from systems for which a PTI was obtained.

PART VI – DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

"Absolute Limitations" means 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 federal Water Pollution Control Act (commonly referred to as the "Clean Water Act" or "CWA"), 33 U.S.C. sections 1251 to 1387 as amended through November 27, 2023

"Best Management Practices (BMPs)" mean schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

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

"Co-located Industrial Activities" mean any industrial activities, excluding your primary industrial activity(ies), located on-site (Example of primary industrial activity: Standard Industrial Classification (SIC) code 7374 - Data Processing And Preparation.

"Control Measure" refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to surface waters of the State.

"Critical value" means the most extreme result of multiple grab sampling or continuous monitoring in a 24-hour period. For parameters with a maximum limit, the critical value is the highest result. For parameters with a minimum limit, the critical value is the lowest result.

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

"Daily concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration.

"Data Center Facility" means an establishment that provides computer processing and data preparation services, housing computing equipment that stores, processes, and distributes digital data.

"Director" means the Director of the Ohio Environmental Protection Agency (Ohio EPA) or an authorized representative.

"Discharge" when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

"Discharge of a pollutant" means any addition of any "pollutant" or combination of pollutants to "surface waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into surface waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

“DMR” means Ohio EPA Discharge Monitoring Report (DMR) form.

“eBusiness Center” (also known as “eBiz”) means the Ohio EPA Division of Surface Water Electronic Business Center, an online platform for submission of data, applications, reports, fee payments, etc. The eBusiness Center is available at: <https://ebiz.epa.ohio.gov>. Guidance and instructions for access and completing tasks in the eBusiness Center are available at:

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

“e-DMR” means electronic Discharge Monitoring Report, an online platform for reporting required monitoring data. e-DMR is accessible through the Ohio EPA eBusiness Center.

“Existing Discharger” means an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

“Facility or Activity” means any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

"Grab sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

“Illicit Discharge” is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

“Industrial Stormwater” means stormwater runoff from industrial activity as included in the definition of “stormwater discharges associated with industrial activity”.

“Low Volume Wastewaters” sources include, but are not limited to, the following: cooling tower blowdown, boiler blowdown, air compressor condensate, from ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drains, cooling tower basin cleaning wastes, recirculating house service water systems, and wet scrubber air pollution control systems whose primary purpose is particulate removal. Sanitary wastes, air conditioning wastes, and wastewater from carbon capture or sequestration systems are not included in this definition.

“Maximum limitations” means compliance with limitations having descriptions of “maximum” shall be determined from any single value for effluent samples and/or measurements collected.

“Minimum limitations” means compliance with limitations having descriptions of "minimum," shall be determined from any single value for effluent samples and/or measurements collected.

“Monthly discharge limitation” means the highest allowable arithmetic 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.

“Municipal Separate Storm Sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

"MGD" means million gallons per day or less.

"mg/kg" means milligrams per kilogram dry weight.

"mg/l" means milligrams per liter.

"ug/l" means micrograms 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".

"No exposure" means all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

"Ohio EPA" means the Ohio Environmental Protection Agency.

"Person" means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

"Point source" means any discernible, 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, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. See 40 CFR 122.2.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

"Primary industrial activity" includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation

in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

“Qualified Personnel” are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

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

"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.

“Reportable Quantity Release” means a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

“S.U.” means standard pH unit.

"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.

“Significant materials” includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products that have the potential to be released with stormwater discharges.

“Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

“Stormwater Discharges Associated with Industrial Activity” means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to operations of the data center. Industrial activities includes, but is not limited to, stormwater discharges from generator areas; waste material; material handling sites; sites used for the storage and maintenance of material handling equipment; shipping and receiving areas; fuel or chemical storage areas; or other areas of the data center operations where stormwater runoff may come in contact with pollutants. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas.

“STREAMS” means the Surface Water Tracking, Reporting, and Electronic Application Management System, an online application for submission of reports, applications, and other required forms, which is available through the eBusiness Center.

“Surface Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface waters.

"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.

"Vehicle Maintenance" means service, repair, or maintenance of any type of motor vehicle, including but not limited to: vehicle and equipment rehabilitation, mechanical repairs, painting, fueling, and lubrication.

“Water Quality Standards” define the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and U.S. EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994).

“Weekly discharge limitation” means the highest allowable arithmetic average of daily discharges over a calendar week as defined in this section, 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 "weekly discharge limitation", Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28.

“You” and “Your”, as used in this permit, are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s facility or responsibilities. The use of “you” and “your” refers to a particular facility and not to all facilities operated by a particular entity. For example, “you shall submit” means the permittee shall submit something for that particular facility. Likewise, “all your discharges” would refer only to discharges at that one facility.

"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.

ABBREVIATIONS AND ACRONYMS

BAT – Best Available Technology Economically Achievable
BOD5 – Biochemical Oxygen Demand (5-day test)
BMP – Best Management Practice
BPJ – Best Professional Judgment
BPT – Best Practicable Control Technology Currently Available
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
CGP – Construction General Permit
COD – Chemical Oxygen Demand
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
WT – Centralized Waste Treatment
DMR – Discharge Monitoring Report
U.S. EPA – U. S. Environmental Protection Agency
FWS – U. S. Fish and Wildlife Service
LA – Load Allocations
MDMR – MSGP Discharge Monitoring Report
MGD – Million Gallons per Day
MOS – Margin of Safety
MS4 – Municipal Separate Storm Sewer System
MSDS – Material Safety Data Sheet
MSGP – Multi-Sector General Permit
NAICS – North American Industry Classification System
NMFS – U. S. National Marine Fisheries Service
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
NTU – Nephelometric Turbidity Unit
OMB – U. S. Office of Management and Budget
ORW – Outstanding Resource Water
OSM – U. S. Office of Surface Mining
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
RQ – Reportable Quantity
SARA – Superfund Amendments and Reauthorization Act
SIC – Standard Industrial Classification
SMCRA – Surface Mining Control and Reclamation Act
SPCC – Spill Prevention, Control, and Countermeasures
TMDL – Total Maximum Daily Load
TSDF – Treatment, Storage, or Disposal Facility
TSS – Total Suspended Solids
USGS – United States Geological Survey
WLA – Wasteload Allocation
WQS – Water Quality Standard