

**National Pollutant Discharge Elimination System (NPDES) Permit Program**

**P U B L I C   N O T I C E**

**NPDES Permit Modification to Discharge to State Waters**

Ohio Environmental Protection Agency  
Lazarus Government Center  
50 West Town Street.  
P. O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No.: 207262

Date of Issuance of Proposed Modification: October 23, 2024

Date of Public Notice: October 30, 2024

Effective Date of Modification: PROPOSED

Name and Address of Applicant: Village of Fayette, Co Rd 5 and Park St, Fayette OH 43521

Name and Address of Facility where Discharge Occurs: Village of Fayette WWTP, Co Rd 5 and Park St, Fayette OH 43521, Fulton County

Location of Discharge: 001 - (Lat: 41N 41' 24"; Long: 84W 19' 12")

Receiving Water: Deer Creek

Purpose of this Modification: Updated Compliance Schedule for LTCP

The following statements apply to the modification. On the basis of preliminary staff review and application of standards and regulations, the Director of the Ohio Environmental Protection Agency has issued a proposed modification for the aforementioned discharge subject to certain effluent conditions and special conditions. The proposed modification is tentative but shall become final on the effective date unless: 1) an adjudication hearing is requested, 2) the Director withdraws and revises the proposed modification after consideration of the record of a public meeting, written comments, or statements, or 3) upon disapproval by the administrator of the U.S. Environmental Protection Agency.

Within thirty days of publication of this notice, any person may submit written comments, a statement as to why the proposed modification should be changed, a request for a public meeting on the proposed modification, and/or a request for notice of further actions concerning the modification. All communications timely received will be considered in the final formulation of the modification. If significant public interest is shown, a public meeting will be held prior to finalization of the modification.

**New or Revised Water Quality Based Effluent Limitations:** This proposed modification may contain new or revised water quality based effluent limitation(s) (WQBELs). In accordance with

Ohio Revised Code Section 6111.03(J)(3), the Director establishes WQBELs after considering, to the extent consistent with the Federal Water Pollution Control Act, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter. This determination was made based on all pertinent data and information available to the Director at the time the modification was drafted.

This public notice hereby allows the permittee to provide to the Director for consideration during this public comment period, additional site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness for achieving compliance with any new or revised WQBEL(s). This information shall be submitted to the addresses listed below.

Should the applicant need additional time to review, obtain or develop site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness of achieving compliance with a new or revised WQBEL(s), written notification for any additional time shall be sent no later than 30 days after the date of this public notice to the Director at the addresses listed below.

Should the applicant determine that compliance with a new or revised WQBEL is technically and/or economically unattainable, the permittee may submit an application for a variance to the applicable WQBEL in accordance with the terms and conditions set forth in Ohio Administrative Code (OAC) Rule 3745-1-38 no later than 30 days after the date of this public notice to the addresses listed below.

Alternately, the applicant may propose the development of site-specific water quality standard(s) pursuant to OAC Rule 3745-1-39. The permittee shall submit written notification to the Director regarding their intent to develop site-specific water quality standards for the pollutant at issue to the addresses listed below no later than 30 days after the date of this public notice.

Within 45 days of the issuance of the proposed modification, any officer or an agency of the state or of a political subdivision, acting in his representative capacity or any person aggrieved or adversely affected by issuance of it may request an adjudication hearing by submitting a written objection in accordance with Ohio Revised Code Section 3745.07. Following the finalization of the modification by the Director, any person who was a party to an adjudication hearing may appeal to the Environmental Review Appeals Commission.

All comments or statements on the proposed modification and all requests for notice of further actions should be submitted in person or by mail to: Ohio Environmental Protection Agency, Division of Surface Water, Lazarus Government Center, Permits Processing Unit, 50 West Town Street, P. O. Box 1049, Columbus, Ohio 43216-1049. Applications, fact sheets, proposed permits including proposed effluent limitations, special conditions, comments received, and other documents are available for inspection and may be copied at a cost of 5 cents per page at the Ohio Environmental Protection Agency at the above address any time between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Copies of public notices are available at no charge at the same address.

Individual NPDES draft permits that are in public notice are now available on DSW's web site:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/list-of-draft-permit-public-notices>

Requests for, and communications concerning, adjudication hearings and public meetings should be addressed to: Legal Records Section, Ohio Environmental Protection Agency, Lazarus Government Center, 50 West Town Street Ste 700, P. O. Box 1049, Columbus, Ohio 43266-0149, (614) 644-2115.

All communications should specify the OEPA permit number and public notice number.

Mailing lists are maintained for persons or groups who desire to receive public notice of proposed and final actions taken on applications for dischargers located in the state or in certain geographical areas. Persons or groups may have their names put on such a list by making a written request to the Permits Processing Unit. Persons or groups may also request copies of fact sheets, applications, or other documents pertaining to a specific application.

September 20, 2024

# PROPOSED

Ohio EPA permit No. 2PB00045\*MD  
Application No. OH0025127  
Effective Date:  
Facility Name: Village of Fayette WWTP

Village of Fayette WWTP  
Ric Beals  
County Road 5  
Fayette, OH 43521

Dear Ladies and Gentlemen:

In accordance with Rule 3745-33-04 (D) of the Ohio Administrative Code (formerly Ohio EPA Regulation EP-31-06), the above referenced NPDES Permit is hereby modified as follows:

Revision

Event Code 21599 (a status update on the development of the Long-Term Control Plan Completion Evaluation Report had a due date extension from August 1, 2024, to November 1, 2024). A schedule of compliance milestone was added with a Due Date of November 1, 2025, for a status report on the progress of the Long-Term Control Plan Completion Evaluation. A schedule of compliance milestone was added with a Due Date of May 1, 2026, for the final submittal of the Long-Term Control Plan Completion Evaluation.

All terms and conditions of the existing permit not recommended for modification by this document will remain in effect. Any modified term or condition contained in this modification shall supersede, on the date this modification is effective, the existing respective term or condition of the permit.

When the modification is effective, the Ohio EPA permit number will be changed to **2PB00045\*ND**. The application number will remain OH0025127. Attached is a copy of the updated NPDES permit.

Sincerely,

Anne M. Vogel  
Director

Ohio EPA Permit No.: 2PB00045\*ND  
Application No: OH0025127

Modification Action Date: October 23, 2024  
Modification Effective Date: PROPOSED  
Expiration Date: Apr 30, 2028

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

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

Village of Fayette

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Village of Fayette WWTP wastewater treatment works, located at County Road 5, Fayette, Ohio, Fulton County, and discharging to Deer Creek in accordance with the conditions specified in Parts I, II, and III of this permit.

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

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

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Anne M. Vogel  
Director

Total Pages: 29

Part I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 2PB00045001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	5.0	-	-	-	-	-	1/Day	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	90	65	-	92	66	2/Week	Composite	All
00550 - Oil and Grease, Total - mg/l	10.0	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Month	Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	Composite	All
00719 - Cyanide, Free - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
31648 - E. coli - #/100 ml	-	-	284	126	-	-	-	2/Week	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	4.8	0.0017	-	0.0000049	1/Quarter	Grab	Quarterly
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Week	Composite	All
80082 - CBOD 5 day - mg/l	-	-	40.0	25.0	-	41	26	2/Week	Composite	All

Notes for Station Number 2PB00045001:

\* Effluent loadings based on average design flow of 0.27 MGD.

- a. Controlled discharges - See Part II, Item Q
- b. Free Cyanide (low-level) - See Part II, Item L
- c. Mercury - See Part II, Items N, O, and P

Part I, B. SSO MONITORING EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. SSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number 2PB00045300, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

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

Notes for Station Number 2PB00045300:

- a. A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Although the above table indicates that the Measuring Frequency for Overflow Occurrence is 1/Month, the intent of that provision is to specify a reporting frequency for Overflow Occurrence, not a monitoring frequency. The monitoring requirement under this permit is that these overflows shall be monitored on each day when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under this monitoring station.
- b. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number on Day 1 of the DMR. If there are no overflows during the entire month, report "zero" (0).
- c. All sanitary sewer overflows are prohibited.
- d. See Part II, Item D.

Part I, B. INFLUENT MONITORING REQUIREMENTS

1. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number 2PB00045601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	2/Week	Composite	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	2/Week	Composite	All

Notes for Station Number 2PB00045601:

Part I, B. UPSTREAM MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. Upstream Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 2PB00045801, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Upstream Monitoring - 801 - Final

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		
00010 - Water Temperature - C		-	-	-	-	-	-	-	1/Month	Grab
00060 - Flow Rate - CFS		-	-	-	-	-	-	-	1/Day	Total
00300 - Dissolved Oxygen - mg/l		-	-	-	-	-	-	-	1/Month	Grab
00400 - pH - S.U.		-	-	-	-	-	-	-	1/Month	Grab
00610 - Nitrogen, Ammonia (NH3) - mg/l		-	-	-	-	-	-	-	1/Quarter	Grab
31648 - E. coli - #/100 ml		-	-	-	-	-	-	-	1/Quarter	Grab
										Summer - Qtrly

Notes for Station Number 2PB00045801:

- Sampling for the respective/common parameters shall occur on the same day as Outfall 2PB00045001.

Part I, B. DOWNSTREAM-NEARFIELD MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. Downstream-Nearfield Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the receiving stream, downstream of the point of discharge, at Station Number 2PB00045901, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Downstream-Nearfield Monitoring - 901 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Month	Grab	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Month	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Quarter	Grab	Summer - Qtrly

Notes for Station Number 2PB00045901:

Part I, C - Schedule of Compliance

<u>Section</u>	<u>Milestone Summary Report</u>		
	<u>Report</u>	<u>Event Code</u>	<u>Due Date</u>
Long Term Control Plan	Special Study	21599	November 1, 2024
Long Term Control Plan	Status Report	95999	November 1, 2025
Long Term Control Plan	Final Plan Submitted	1299	May 1, 2026

A. Long-Term Control Plan Post-Construction Compliance Monitoring Plan - Completed

B. Long-Term Control Plan Completion Evaluation Report

The permittee shall develop a Long-Term Control Plant Completion Evaluation Report. This report shall be adequate to determine whether the goals for each project or group of projects implemented have been met, to evaluate the performance of each project in the LTCP separately, and to evaluate whether the goals of the LTCP have been achieved system wide including:

1. A list of all of the original CSO locations and a description of the current state of those outfalls (eliminated, open, storm water outfall, etc.)
2. A summary of the CSO control projects that were constructed and their completion dates;
3. For the CSO locations that have been eliminated (meaning permanently sealed) please provide dates of elimination and photographic documentation
4. A summary of the data collected during the Post-Construction Compliance Monitoring in Part 1 C. A
5. A discussion of the findings of the Post-Construction Compliance Monitoring in Part 1 C. A. as they relate to the goals of the LTCP.
- 6.. Discussion of the collection system and future CSO monitoring that will be performed to accurately characterize overflow characteristics (occurrences, volumes).
7. Discussion of any additional flows that may be tied into the system
8. A final summary assessment of whether the goals of the LTCP have been met
9. The report shall be developed in accordance with the following schedule:
  - a. No later than November 1, 2024, the permittee shall submit a status update on the development of the Long-Term Control Plan Completion Evaluation Report. (Event Code 21599)

b. No later than November 1, 2025, the permittee shall submit a status update on the development of the Long-Term Control Plan Completion Evaluation Report. (Event Code 95999)

c. No Later than May 1, 2026, the permittee shall submit the final Long-Term Control Plan Completion Evaluation Report. (Event Code 1299)

## Part II, Other Requirements

### A. Operator Certification Requirements

#### 1. Classification

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

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

#### 2. Professional Operator of Record

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

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

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

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

#### 3. Minimum Staffing Requirements

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

b. The permittee shall ensure that the collection system professional operator of record or a professional operator that is certified in the field of wastewater collection or wastewater treatment, class A operators

excluded, is physically present at the collection system in accordance with the minimum staffing requirements per paragraph (C)(2) of rule 3745-7-04 of the Ohio Administrative Code.

#### 4. Additional Staffing Requirements

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

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

Sampling Station	Description of Location
2PB00045001	Final effluent (Lat: 41N 41' 24"; Long: 84W 19' 12")
2PB00045300	System wide Sanitary Sewer Overflow Monitoring
2PB00045601	Influent
2PB00045801	Upstream
2PB00045901	Downstream

C. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

#### D. Sanitary Sewer Overflow (SSO) Reporting Requirements

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

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

###### a) Immediate Notification

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

###### b) Follow-Up Written Report

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

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);

- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
- (viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

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

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

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

### a) Discharge Monitoring Reports (DMR)

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

### b) Annual Report

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

- (i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.
- (ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.
- (iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year. The report may be submitted electronically using the NPDES Annual Sanitary Sewer Overflow Report available through the Ohio EPA eBusiness Center, Division of Surface Water NPDES

Permit Applications service. Alternatively, you may submit one hardcopy of the report to Ohio EPA Northwest District Office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH, 43216-1049. An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at:

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

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

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

F. Composite samples shall be comprised of at least three grab samples proportionate in volume to the sewage 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.

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

H. The treatment works must obtain at least 65 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

I. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

J. If for any reason, the facility must use chlorine for disinfection, it must contact the Ohio EPA District Office, Division of Surface Water for the appropriate requirements and limitations. The permittee must state, at such time:

1. For what reason chlorine will be used for disinfection (i.e. equipment breakdown, maintenance, etc.).
2. For what length of time will it be used.

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

L. Monitoring for Free Cyanide (low-level)

Currently there are three approved methods for free cyanide listed in 40 CFR 136 that have a quantification level lower than any water quality-based effluent limits: ASTM D7237-10, OIA-1677-09, and ASTM D4282-02. (Note: The use of ASTM D4282-02 requires supporting documentation that it meets the requirement of a "sufficiently sensitive" test procedure as defined in 40 CFR 122.44(i)(1)(iv)). The permittee shall use one of these approved methods.

#### M. Monitoring for Mercury (low-level)

The permittee shall use EPA Method 1631 promulgated under 40 CFR 136 to comply with the influent and effluent mercury monitoring requirements of this permit.

#### N. General Mercury Variance

The permittee is granted a general mercury variance under the provisions of Rule 3745-33-07(D)(10) of the Ohio Administrative Code. Fayette WWTP has demonstrated that the facility is currently unable to comply with the monthly average water quality based effluent limit of 1.3 ng/l without construction of expensive end-of-pipe controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act. Fayette WWTP is currently able to achieve an annual average mercury concentration of 12 ng/l. For general mercury variance purposes, the annual average mercury effluent concentration is defined as the average of the most recent 12 months of effluent data.

One of the conditions of the general mercury variance is that the permittee make reasonable progress towards attaining the water quality based effluent limits for mercury (1.b, below). To accomplish this, the permittee is required to continue implementing a pollutant minimization program (PMP) for mercury. The elements of a PMP include: a control strategy to locate, identify and, where cost-effective, reduce levels of mercury that contribute to discharge levels; periodic monitoring of sources and the treatment system; and annual reporting of results.

The plan of study that was part of the permittee's 2022 application for coverage under the general mercury variance included items associated with developing a control strategy and initial implementation of a PMP. By implementing the plan of study and meeting other conditions of its NPDES permit, the permittee has been taking actions consistent with a PMP for mercury. Condition 1.d below, requires the permittee to continue implementing a PMP for mercury.

##### 1. As conditions of this variance, the permittee shall meet the following requirements:

- a. The permittee shall comply with the effluent limitations for mercury at outfall 2PB00045001 given in Part I, A of this permit.
- b. The permittee shall make reasonable progress towards attaining the monthly average water quality based effluent limit for mercury by complying with the general mercury variance conditions included in this NPDES permit.
- c. The permittee shall use EPA Method 1631 to comply with the influent and effluent mercury monitoring requirements of this permit.
- d. The permittee shall implement the plan of study as included in the permittee's mercury variance application submitted on January 10, 2023, including the following summary of requirements:
  - i. Identify specific sections of the collection system that show elevated mercury levels;

- ii. Begin sampling of any areas of the collection system that are deemed necessary;
- iii. Continue monitoring sewer sites, where elevated mercury levels have been detected;
- iv. Conduct site visits at known and potential sources of mercury identified;
- v. Encourage implementation of strategies, at known and potential sources, for mercury reduction, elimination and prevention in wastewater; and
- vi. Continue to monitor to track progress of the plan of study.

e. The permittee shall assess the impact of the mercury variance on public health, safety, and welfare by, as a minimum, monitoring for mercury in the facility's influent and effluent as required by this NPDES permit.

f. The permittee shall achieve an annual average mercury effluent concentration equal to or less than 12 ng/l, as specified in the plan of study submitted with the permittee's mercury variance application.

g. On or prior to March 1 of each year, the permittee shall submit two copies of an annual PMP report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049. The annual PMP report shall include:

- i. All minimization program monitoring results for the year;
- ii. A list of potential sources of mercury;
- iii. A summary of all actions taken to meet the effluent limits for mercury; and
- iv. Any updates of the control strategy, including actions planned to reduce the levels of mercury in the treatment plant's final effluent.

The Ohio EPA Annual Mercury PMP Report and Appendices are available on the Division of Surface Water Permits Program Technical Assistance web page at [http://www.epa.ohio.gov/dsw/permits/technical\\_assistance.aspx](http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx). Open the Mercury list.

h. Upon completion of the actions identified in the plan of study as required in Part II, Item Q.1.d. of this permit or upon submittal of the permittee's NPDES permit renewal application, whichever comes first, the permittee shall submit to Ohio EPA's Northwest District Office a certification stating that all permit conditions imposed to implement the plan of study and the PMP have been satisfied and whether compliance with the monthly average water quality based effluent limit for mercury has been achieved and can be maintained. This certification shall be accompanied by the following:

- i. All available mercury influent and effluent data for the most recent 12 month period.
- ii. Data documenting all known significant sources of mercury and the steps that have been taken to reduce or eliminate those sources; and
- iii. A determination of the lowest mercury concentration that currently available data indicate can be reliably achieved through implementation of the PMP.

2. Exceedance of the annual average limit of 12 ng/l.

- a. If at any time after the effective date of this permit, the permittee's annual average mercury effluent concentration exceeds 12 ng/l, the permittee shall:
  - i. Notify Ohio EPA's Northwest District Office not later than 30 days from the date of the exceedance.
  - ii. Submit an individual variance application, if a variance is desired, not later than 6 months from the date of the exceedance; or
  - iii. Request a permit modification not later than 6 months from the date of the exceedance for a compliance schedule to attain compliance with the water quality-based effluent limits for mercury.
- b. If the permittee complies with either 2.a.ii or 2.a.iii, above, the general mercury variance conditions included in this NPDES permit will remain in effect until the date that the Director acts on the individual variance application or the date that the permit modification becomes effective.
- c. If the permittee does not comply with either 2.a.ii or 2.a.iii, above, a monthly water-quality based effluent limit for mercury of 1.3 ng/l shall apply at outfall 2PB00018001 beginning 6 months from the date of the exceedance.

3. The requirements of Part II, Item O.2 shall not apply if the permittee demonstrates to the satisfaction of the Director that the mercury concentration in the permittee's effluent exceeds 12 ng/l due primarily to the presence of mercury in the permittee's intake water.

O. Permit Reopener for Mercury Variance Revisions Ohio EPA may reopen and modify this permit at any time based upon Ohio EPA water quality standard revisions to the mercury variance granted in Part II, Item N of this permit.

P. Renewal of Mercury Variance

For renewal of the mercury variance authorized in this permit, the permittee shall include the following information with the submittal of the subsequent NPDES permit renewal application:

1. the certification described under Part II, Item N.1.h., and all information required under Part II, Item N.1.h.i. through Part II, Item N.1.h.iii;
2. a status report on the progress being made implementing the pollutant minimization program (PMP). This information may be included in the annual PMP report required under Part II, Item N.1.g; 3. a listing of the strategies and/or programs in the PMP which will be continued under the next renewal of this permit; and
4. a statement requesting the renewal of the mercury variance.

Q. Outfall Signage

The permittee shall maintain a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit. This includes final outfalls, bypasses, and combined sewer overflows. The sign shall include, at a minimum, the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the

sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.

R. Controlled discharge flows shall be limited to not more than 90 gallons per minute (gpm) for each cubic foot per second (cfs) stream flow measured upstream of the plant final effluent. The permittee must monitor the stream flow when discharging and report the flow (parameter: flow, STORET code: 00060, units: cfs) to Ohio EPA with the monitoring report. Should the permittee desire to discharge a flow in excess of 90 gpm per cfs, the permittee shall submit to the Ohio EPA analytical data to demonstrate that the receiving stream is capable of assimilating the additional flow. Upon acceptance of this report, the flow limit per cfs, as written in the permit, will be modified to reflect the conclusions of that report.

No discharge shall be allowed when the upstream flow is less than one cfs.

## PART III - GENERAL CONDITIONS

### 1. DEFINITIONS

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

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

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

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

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

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

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

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

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

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

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

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

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

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

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

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

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

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

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

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

## 2. GENERAL EFFLUENT LIMITATION

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

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

## 3. FACILITY OPERATION AND QUALITY CONTROL

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

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

## 4. REPORTING

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

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

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

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

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

<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/edmr-pin-information-and-application>

- C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.
- D. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.
- E. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

## 5. SAMPLING AND ANALYTICAL METHOD

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

## 6. RECORDING OF RESULTS

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

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

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

## 7. RECORDS RETENTION

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

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

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

## 8. AVAILABILITY OF REPORTS

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

## 9. DUTY TO PROVIDE INFORMATION

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

## 10. RIGHT OF ENTRY

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

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

## 11. UNAUTHORIZED DISCHARGES

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

B. Notice

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

C. Prohibition of Bypass

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

## 12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

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

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

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

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

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

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

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

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

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

#### B. Other Permit Violations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 13. RESERVED

#### 14. DUTY TO MITIGATE

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

#### 15. AUTHORIZED DISCHARGES

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

#### 16. DISCHARGE CHANGES

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

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

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

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

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

treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

## 17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

## 18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

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

## 19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

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

## 20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

## 21. SOLIDS DISPOSAL

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

## 22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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

## 23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

## 24. STATE LAWS AND REGULATIONS

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

## 25. PROPERTY RIGHTS

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

## 26. UPSET

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

## 27. SEVERABILITY

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

## 28. SIGNATORY REQUIREMENTS

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

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

## 29. OTHER INFORMATION

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

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

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

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

## 30. NEED TO HALT OR REDUCE ACTIVITY

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

## 31. APPLICABLE FEDERAL RULES

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

## 32. AVAILABILITY OF PUBLIC SEWERS

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