

**National Pollutant Discharge Elimination System (NPDES) Permit Program****PUBLIC NOTICE****NPDES Permit to Discharge to State Waters**

Ohio Environmental Protection Agency  
Permits Section  
50 West Town St., Suite 700  
P. O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No.: 206104  
Date of Issue of Public Notice: Sep-13-2024  
Name and Address of Applicant: Northeast Ohio Regional Sewer District, 3900 Euclid Avenue,  
Cleveland, OH, 44115

Name and Address of Facility  
Where Discharge Occurs: NEORSD Westerly WWTC, 5800 W. Memorial Shoreway,  
Cleveland, OH, 44102, Cuyahoga County

Outfall Flow and Location List: 001 35,000,000 GPD Lat/Long: 41.5083, -81.7267

Receiving Stream: Lake Erie

Nature of Business: Wastewater Treatment

Key parameters to be limited  
in the permit are as follows: Total Suspended Solids, Oil and Grease-Hexane Extr, Total  
Phosphorus, Total Residual Chlorine, Total (Low Level) Mercury,  
Maximum pH, Minimum pH, CBOD 5 day, E. coli, pH, Acute  
Toxicity, Pimephales promelas, Chronic Toxicity, Pimephales  
promelas

On the basis of preliminary staff review and application of standards and regulations, the director of the Ohio Environmental Protection Agency will issue a permit for the discharge subject to certain effluent conditions and special conditions. The draft permit will be issued as a final action unless the director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the administrator of the U.S. Environmental Protection Agency. Any person may submit written comments on the draft permit and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits. Following final action by the director, any aggrieved party has the right to appeal to the Environmental Review Appeals Commission.

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted in person or by mail no later than 30 days after the date of this public notice. Comments should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Lazarus Government Center, Division of Surface Water, Permits Processing Unit, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049 and 2) Ohio Environmental Protection Agency, Northeast District Office 2110 East Aurora Road, Twinsburg, Ohio 44087.

The Ohio EPA permit number and public notice numbers should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the date of this public notice will be considered.

*Proposed Water Quality Based Effluent Limitations:* This draft permit contains 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 data and information available at the time the permit was drafted, which included the contents of the of the timely submitted National Pollutant Discharge Elimination System (NDPES) permit renewal application, along with any and all pertinent information available to the Director.

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 WQBEL(s). This information shall be submitted to the addresses listed above.

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 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 above.

Should the applicant determine that compliance with a 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 3745-33-07(D) no later than 30 days after the date of this public notice to the addresses listed above.

Alternately, the applicant may propose the development of site-specific water quality standard(s) pursuant to OAC Rule 3745-1-35. 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 above no later than 30 days after the date of this public notice.

The application, fact sheets, permit including 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 address shown on page one of this public notice any time between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Copies of the public notice 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>

Mailing lists are maintained for persons or groups who desire to receive public notice for all applications in the state or for certain geographical areas. Persons or groups may also request copies of fact sheets, applications, or other documents pertaining to specific applications. Persons or groups may have their names put on such a list by making a written request to the agency at the address shown above.

Ohio EPA Permit No.: 3PE00001\*RD  
Application No: OH0024660

Action Date:  
Effective Date:  
Expiration Date: 5 Years

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),

Northeast Ohio Regional Sewer District

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Westerly Wastewater Treatment Center, located at 5800 W. Memorial Shoreway, Cleveland, Ohio, Cuyahoga County, to Lake Erie at Lake Mile 1188.9 in accordance with the conditions specified in Part I, II, III, IV, V, and VI 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 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: 74

PART I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting 36 months, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3PE00001001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 – Interim

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	30	20	-	3974	2650	4/Week	24hr Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	5/Week	24hr Composite	All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	24hr Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	24hr Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	199	132	2/Week	24hr Composite	All
00671 - Orthophosphate, Dissolved (as P) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31648 - E. coli - #/100 ml	-	-	284	126	-	-	-	1/Day	Grab	Summer
50047 - Flow, Peak Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	Summer
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	When Disch.	Multiple Grab	Winter
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	2.6	0.225	-	0.00034	1 / 2 Weeks	Grab	All
51173 - Cyanide, Free (Low-Level) - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	24hr Composite	May
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUC	-	-	-	-	-	-	-	1/Year	24hr Composite	May

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
Parameter	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	2/Year	24hr Composite	May and November
61428 - Chronic Toxicity, Pimephales promelas - TUc	-	-	-	-	-	-	-	2/Year	24hr Composite	May and November
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	6.0	-	-	-	-	-	1/Day	Continuous	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Week	24hr Composite	All
80082 - CBOD 5 day - mg/l	-	-	20	15	-	2650	1987	3/Week	24hr Composite	All

Notes for Station Number 3PE00001001:

\*Effluent loadings are based on a dry-weather design flow capacity of 35 MGD. The peak wet-weather Secondary Treatment capacity of the facility is 100 MGD.

- a. Total residual chlorine - See Part II, Item N. The critical or maximum value shall be reported each day.
- b. Total residual chlorine, winter months - "When discharging" means monitoring and reporting are required on days when the facility is chlorinating.
- c. Mercury - See Part II, Items T, W, X, and Y.
- d. Free cyanide - See Part II, Item S.
- e. Whole effluent toxicity - See Part I, C.3 and Part II, Item AA.
- f. pH minimum - See Part II, Item AB.
- g. pH - The critical (maximum and minimum) values shall be reported each day.
- h. Flow Rate, Peak Flow Rate - See Part II, Item E.
- i. Dissolved Orthophosphate - See Part II, Item U.
- j. Total Phosphorus - See Part I, C.2.

PART I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the 37<sup>th</sup> month after the effective date and lasting until the expiration date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3PE00001001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	30	20	-	3974	2650	4/Week	24hr Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	5/Week	24hr Composite	All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	24hr Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	24hr Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	199	132	2/Week	24hr Composite	All
00671 - Orthophosphate, Dissolved (as P) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31648 - E. coli - #/100 ml	-	-	284	126	-	-	-	1/Day	Grab	Summer
50047 - Flow, Peak Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	Summer
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	When Disch.	Multiple Grab	Winter
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	2.6	0.225	-	0.00034	1 / 2 Weeks	Grab	All
51173 - Cyanide, Free (Low-Level) - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	24hr Composite	May

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc	-	-	-	-	-	-	-	1/Year	24hr Composite	May
61427 - Acute Toxicity, Pimephales promelas - TUa	1.0	-	-	-	-	-	-	2/Year	24hr Composite	May and November
61428 - Chronic Toxicity, Pimephales promelas - TUc	-	-	-	11.0	-	-	-	2/Year	24hr Composite	May and November
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	6.0	-	-	-	-	-	1/Day	Continuous	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Week	24hr Composite	All
80082 - CBOD 5 day - mg/l	-	-	20	15	-	2650	1987	3/Week	24hr Composite	All

Notes for Station Number 3PE00001001:

\*Effluent loadings are based on a dry-weather design flow capacity of 35 MGD. The peak wet-weather Secondary Treatment capacity of the facility is 100 MGD.

- Total residual chlorine - See Part II, Item N. The critical or maximum value shall be reported each day.
- Total residual chlorine, winter months - "When discharging" means monitoring and reporting are required on days when the facility is chlorinating.
- Mercury - See Part II, Items T, W, X, and Y.
- Free cyanide - See Part II, Item S.
- Whole effluent toxicity - See Part I, C.3 and Part II, Item AA.
- pH minimum - See Part II, Item AB.
- pH - The critical (maximum and minimum) values shall be reported each day.
- Flow Rate, Peak Flow Rate - See Part II, Item E.
- Dissolved Orthophosphate - See Part II, Item U.
- Total Phosphorus - See Part I Item C. 2.

PART I, B. WET WEATHER OVERFLOW LIMITATIONS AND MONITORING REQUIREMENTS

1. Wet Weather Overflow Monitoring. During the period beginning on the effective date of this permit and lasting until October 2027, the permittee shall monitor the wet weather overflow when discharging, at Station Number 3PE00001002, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Wet Weather Overflow Monitoring - 002 – Interim

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	When Disch.	Grab	Summer
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
74063 - Overflow Volume - Million Gallons	-	-	-	-	-	-	-	When Disch.	24hr Total	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
82517 - Duration of Discharge - Hours	-	-	-	-	-	-	-	When Disch.	24hr Total	All

Notes for Station Number 3PE00001002:

- a. The discharge at this station is comprised of CSO 002 and any associated emergency bypass events at the treatment plant headworks.
- b. Monitoring and sampling shall be conducted and reported on each day that there is a discharge through this station. Notification of wet weather overflows from this station shall conform to the permittee's approved CSO Public Notification Plan.
- c. Data for 24-hour volume, overflow occurrence, and overflow duration may be estimated if a measuring device is not available.
- d. Overflow Occurrence: If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.
- e. The permittee shall follow its Standard Operating Procedure for E. coli sampling and report "AH" with an appropriate explanation when a sample is not collected and/or analyzed.

- f. A Discharge Monitoring Report (DMR) for this station must be submitted every 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.
- g. Discharge through this station during wet weather is authorized, when the flow in the sewer system exceeds the capacity of the wastewater treatment plant, provided the permittee is in compliance with the Long -Term Control Plan (LTCP) implementation requirements contained in Consent Decree 1:10CV2895-DCN, and any modifications or revisions thereof; as well as in circumstances described in 40 CFR 122.41(m) and Part III, Item 11, General Conditions, of this permit.
- h. Discharges through this station during dry weather are prohibited except as described by federal regulation at 40 CFR 122.41(m) and Part III, Item 11, General Conditions, of this permit.
- i. See Part II, Items D and E.

PART I, B. WET WEATHER OVERFLOW LIMITATIONS AND MONITORING REQUIREMENTS

2. Wet Weather Overflow Monitoring. During the period beginning November 2027 and lasting until the expiration date, the permittee shall monitor the discharge from the CEHRT (when flow rates are equal to or below 411 MGD), at Station Number 3PE00001002, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Wet Weather Overflow Monitoring - 002 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00530 - Total Suspended Solids - mg/l	40	-	-	-	-	-	-	When Disch.	Grab	All
31648 - E. coli - #/100 ml	284	-	-	-	-	-	-	When Disch.	Grab	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	When Disch.	Grab	Summer
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
74063 - Overflow Volume - Million Gallons	-	-	-	-	-	-	-	When Disch.	24hr Total	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
82517 - Duration of Discharge - Hours	-	-	-	-	-	-	-	When Disch.	24hr Total	All

Notes for Station Number 3PE00001002:

a. This station shall be utilized to report treated discharges of the Chemically Enhanced High Rate Treatment (CEHRT) System that are less than or equal to the design capacity of the system. CEHRT capacity is currently 411 MGD.

b. Discharge through this station is approved for flows treated via the CEHRT when flows exceed the capacity of the collection system and/or the Westerly WWTP. The peak wet-weather Secondary Treatment capacity of the facility is 100 MGD. The length of time the CEHRT may be utilized to respond to the influence of short intense wet weather shall be minimized and limited to only the length of time the plant is being influenced by such flows. In the event of a CEHRT discharge, the permittee shall minimize the discharge of pollutants to the environment. At a minimum, discharges through this station must receive primary clarification, solids and floatables removal, and disinfection (when required).

c. The permittee shall report any substantial changes in the volume or character of pollutants being introduced to Westerly WWTC.

- d. Notification of wet weather overflows from this station shall conform to the permittee's approved CSO Public Notification Plan.
- e. "When discharging" means monitoring and reporting for the respective parameters are required on days when the CEHRT System is operating and wastewater is discharged via this station.
- f. Sampling shall commence no later than two (2) hours after a discharge has begun at this station. Samples are not required for discharges lasting less than two (2) hours. The two-hour delay does not apply to volume and duration monitoring. Data for volume and duration may be estimated if a measuring device is not available.
- g. A Discharge Monitoring Report (DMR) for this station must be submitted every 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.
- h. Total Suspended Solids - The "Maximum" concentration limit for total suspended solids represents a calculated 7- event rolling average (i.e. the average of seven consecutive CEHRT discharge events). The average concentration of the composite samples for the corresponding 7-event period shall be calculated and reported as a Daily Maximum on the day of the seventh event. The permittee shall also maintain analytical records of each individual discharge event.
- i. *E. coli* - The "Maximum" concentration limit for *E. coli* represents a calculated 7- event rolling geometric mean (i.e. the geomean of seven consecutive CEHRT discharge events). The geomean of the grab samples for the corresponding 7-event period shall be calculated and reported as a Daily Maximum on the day of the seventh event. The permittee shall also maintain analytical records of each individual discharge event.
- j. Occurrence: If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.
- k. Discharge through this station during dry weather is prohibited except under the conditions specified in footnote (b) above and are subject to the bypass provisions at 40 CFR 122.41(m).
- l. See Part II, Items D and E.

PART I, B. WET WEATHER OVERFLOW LIMITATIONS AND MONITORING REQUIREMENTS

3. Wet Weather Overflow Monitoring. During the period beginning November 2027 and lasting until the expiration date of this permit, the permittee shall monitor the CEHRT (when flow rate exceeds 411 MGD), at Station Number 3PE00001093, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Wet Weather Overflow Monitoring - 093 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	When Disch.	Grab	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
74063 - Overflow Volume - Million Gallons	-	-	-	-	-	-	-	When Disch.	24hr Total	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
82517 - Duration of Discharge - Hours	-	-	-	-	-	-	-	When Disch.	24hr Total	All

Notes for Station Number 3PE00001093:

- This station shall be utilized to report discharges that exceed the design capacity of the Chemically Enhanced High Rate Treatment (CEHRT) System. CEHRT capacity is currently 411 MGD.
- Discharge through this station is approved for flows treated via the CEHRT when flows exceed the capacity of the collection system, the Westerly WWTP, and/or the capacity of the Excess Flow Conduit (Station 3PE00001603). The peak wet-weather Secondary Treatment capacity of the facility is 100 MGD. The length of time the CEHRT may be utilized to respond to the influence of short intense wet weather shall be minimized and limited to only the length of time the plant is being influenced by such flows. In the event of a CEHRT discharge, the permittee shall minimize the discharge of pollutants to the environment.
- The permittee shall report any substantial changes in the volume or character of pollutants being introduced to Westerly WWTC.
- Notification of wet weather overflows from this station shall conform to the permittee's approved CSO Public Notification Plan.

e. "When discharging" means monitoring and reporting for the respective parameters are required on days when the CEHRT System is operating and wastewater is discharged via this station.

f. Sampling shall commence no later than two (2) hours after a discharge has begun at this station. Samples are not required for discharges lasting less than two (2) hours. The two-hour delay does not apply to volume and duration monitoring. Data for volume and duration may be estimated if a measuring device is not available.

g. A Discharge Monitoring Report (DMR) for this station must be submitted every 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.

h. Total suspended solids - the average concentration of the composite samples for a rolling 7-event period shall be calculated and reported as a Daily Maximum on the day of the seventh event. The permittee shall also maintain analytical records of each individual discharge event.

i. *E. coli* - the geomean of the grab samples for a rolling 7-event period shall be calculated and reported as a Daily Maximum on the day of the seventh event. The permittee shall also maintain analytical records of each individual discharge event.

j. Occurrence: If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

k. Discharge through this station during dry weather is prohibited except under the conditions specified in footnote (b) above and are subject to the bypass provisions at 40 CFR 122.41(m).

l. See Part II, Items D and E.

# PART I, B. SSO LIMITATIONS AND MONITORING REQUIREMENTS

4. SSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall monitor at Station Number 3PE00001300, 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  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 3PE00001300:

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

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

c. All sanitary sewer overflows are prohibited.

d. See Part II, Items G and H.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

5. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00001585, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 585 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
01003 - Arsenic, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01013 - Beryllium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01028 - Cadmium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01029 - Chromium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01052 - Lead, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01068 - Nickel, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Month	Total	All
71921 - Mercury, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All

Notes for Station Number 3PE00001585:

- Monitoring is required when sewage sludge is incinerated. The monitoring data shall be reported on each Discharge Monitoring Report (DMR).
- If no sewage sludge is incinerated during the reporting period, select the "No Discharge" check box on the data entry form and PIN the eDMR.
- Units of mg/kg are on a dry weight basis.
- See Part II, Items Q, and R.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

6. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00001586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 – Final

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

Notes for Station Number 3PE00001586:

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

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

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

d. Each day when sewage sludge is removed from the treatment works for disposal, a representative composite sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day.

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

f. See Part II, Items Q and R.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

7. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00001588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	-	1/Year	Total	December

Notes for Station Number 3PE00001588:

- a. Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR).
- b. If no sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.
- c. Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.
- d. Each day when sewage sludge is removed from the treatment works for disposal, a representative composite sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) removed from the treatment plant on that day.
- e. See Part II, Item Q, and R.

PART I, B. INFLUENT MONITORING REQUIREMENTS

8. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall monitor the treatment works' influent wastewater at Station Number 3PE00001601, 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  Parameter	Discharge Limitations							Monitoring Requirements		
	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	-	-	-	-	-	-	-	4/Week	24hr Composite	All
00720 - Cyanide, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All
61941 - pH, Maximum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
Parameter	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
61942 - pH, Minimum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	3/Week	24hr Composite	All

Notes for Station Number 3PE00001601:

- a. Sampling for the respective/common parameters shall occur on the same day as Outfall 3PE00001001.
- b. Mercury - See Part II, Item V.

# PART I, B. BYPASS LIMITATIONS AND MONITORING REQUIREMENTS

9. Bypass Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee shall monitor the treatment plant's bypass when discharging, at Station Number 3PE00001602, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Bypass Monitoring - 602 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00051 - Bypass Occurrence - No./Day	-	-	-	-	-	-	-	When Disch.	24hr Total	All
00052 - Bypass Total Hours Per Day - Hrs/Day	-	-	-	-	-	-	-	When Disch.	24hr Total	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
51428 - Bypass Volume - MGAL	-	-	-	-	-	-	-	When Disch.	24hr Total	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All

Notes for Station Number 3PE00001602:

- The discharge at this station is comprised of the secondary treatment bypass prior to mixing with effluent from secondary treatment in the chlorine contact tank.
- Data for 24 hour bypass volume, bypass occurrence, and bypass duration may be estimated if a measuring device is not available.
- Bypass Occurrence: If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.
- Discharge through this station is prohibited. The Director may take enforcement action for violations of this prohibition unless the conditions specified at 40 CFR 122.41(m) and in Part III, Item 11.C.1 of this permit are met.

PART I, B. WET WEATHER OVERFLOW LIMITATIONS AND MONITORING REQUIREMENTS

10. Wet Weather Overflow. During the period beginning November 2027 and lasting until the expiration date of this permit, the permittee shall monitor the CEHRT diversion channel at Station Number 3PE00001603, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Wet Weather Overflow - 603 – Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
74063 - Overflow Volume - Million Gallons	-	-	-	-	-	-	-	When Disch.	24hr Total	All

Notes for Station Number 3PE00001603:

- a. The discharge at this station is comprised of the untreated overflow from the flow control chamber i.e., flow that is diverted around the CEHRT system.
- b. Data for occurrence and volume may be estimated if a measuring device is not available.
- c. A Discharge Monitoring Report (DMR) for this station must be submitted every 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.
- d. Monitoring and sampling shall be conducted and reported on each day that there is a discharge through this station.
- e. Occurrence: If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.
- f. Discharge through this station during wet weather is authorized, when the flow in the sewer system exceeds the capacity of the wastewater treatment plant and CEHRT, provided the permittee is in compliance with the LTCP implementation requirements contained in Consent Decree 1:10CV2895-DCN, and any modifications or revisions thereof; as well as in circumstances described in 40 CFR 122.41(m) and Part III, Item 11, General Conditions, of this permit.
- g. Discharges through this station during dry weather are prohibited except as described by federal regulation at 40 CFR 122.41(m) and Part III, Item 11, General Conditions, of this permit.
- h. See Part II, Items D and E.

PART I, C. - SCHEDULE OF COMPLIANCE

Milestone Summary Report			
Section	Report	Event Code	Due Date
Municipal Pretreatment Schedule	Effluent Limits For Pollutants	52599	12 months after the permit effective date
New Toxicity Effluent Limits	Submit First Annual Report	90199	12 months after the permit effective date
New Toxicity Effluent Limits	Submit Second Annual Report	90299	24 months after the permit effective date
New Toxicity Effluent Limits	Submit Final Progress Report	61099	30 months after the permit effective date
New Toxicity Effluent Limits	Final Compliance with Effluent Limits	5699	36 months after the permit effective date

1. Municipal Pretreatment Schedule

a. The permittee shall evaluate the adequacy of local industrial user limitations to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the POTW in amounts that exceed water quality standard-based limits, be incompatible with the POTW, or limit wastewater or sludge use options. Technical justification for revising local industrial user limitations to attain compliance with final table limits, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submitted for acceptance to Ohio EPA, Central Office Pretreatment Unit and to Ohio EPA, Northeast District Office, as soon as possible, but no later than 12 months after the permit effective date (Event Code 52599)

A review of technical information in consideration of local industrial user limitation for total phosphorus is required. The permittee shall determine whether application of local limits will facilitate substantial progress toward achieving a monthly average effluent concentration target of 0.5 mg/L. If local limits are deemed appropriate, a technical justification for assigning local limits to all or individual industrial users consistent the requirements below shall be submitted to Ohio EPA and local limits must be enacted. Application of local limits for total phosphorus may not be appropriate in some cases. If the permittee determines that local limits for total phosphorus are not appropriate, the permittee shall submit to Ohio EPA data or other evidence produced by the review to support this determination.

Technical justification is required for arsenic, cadmium, total chromium, dissolved hexavalent chromium, copper, free cyanide, lead, mercury, nickel, selenium, silver, and zinc unless screening of wastewater and sludge indicate these pollutants are not present in significant amounts. Technical justification is also required for any other pollutants where a local limit may be necessary to protect against pass through, interference or sludge disposal.

To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, a local limits technical justification report shall be submitted to Ohio EPA. The report shall be consistent with the guidance, procedures and methodologies found in Ohio EPA's and USEPA's local limits guidance documents available at:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/pretreatment-program>

The report shall include the following:

- i. Identification of and justification for pollutants of concern for which local limits will be developed.
  - ii. Treatment plant flow and industrial flows to which local limits will be applied. If the POTW is accepting any hauled waste include for each type of hauled waste (e.g. landfill leachate, septage), at least 5 data points detailing the dates and volumes of discharge and sampling results for all the pollutants of concern.
  - iii. Domestic/background concentrations. To determine domestic/background concentrations, the permittee shall, at a minimum, sample at three different locations for five consecutive days or two different locations for seven consecutive days. These locations shall, to the extent possible, convey only domestic wastewater.
  - iv. Treatment plant removal efficiencies. Whenever possible, site specific removal efficiencies shall be determined using actual plant data with analytical detection levels that are sensitive enough to provide values above the reporting level (RL) or practical quantification limit (PQL).
  - v. A comparison of maximum allowable headworks loadings based on all applicable criteria. Criteria may include sludge disposal, NPDES permit limits, waste load allocation values, and interference with biological processes such as activated sludge, sludge digestion, nitrification, etc. Calculation tables can be found on the Ohio EPA website at:  
  
<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/pretreatment-program>
  - vi. If revised industrial user discharge limits are proposed, the method of allocating available pollutant loads to industrial users.
  - vii. If narrative or best management practices (BMPs) are proposed as local limits, information on how they will be implemented. When appropriate, industrial user discharge limits may include narrative local limits requiring industrial users to develop and implement BMPs. These narrative local limits may be used either alone or as a supplement to numeric limits.
  - viii. Supporting data, assumptions, and methodologies used in establishing the information in item 1.a through 1.g above.
  - ix. If new or revised industrial user discharge limits are proposed, the stamp and signature of a licensed Ohio professional engineer.
- b. Revisions. The permittee shall submit a revised local limit technical justification report within 90 days of receiving notification from Ohio EPA of deficiencies in the submitted report.
- c. If revisions to local industrial user limitations including best management practices are determined to be necessary, the permittee shall incorporate revised local industrial user limitations in all industrial user control documents, as applicable, no later than 4 months after the date of Ohio EPA's approval.
- d. Sampling Methods
- i. Mercury: If the permittee uses EPA Method 245.1 or 245.2 to sample domestic background locations and mercury concentrations are below detection, the permittee shall use EPA method 1631 or 245.7 to quantify domestic background contributions of mercury.

ii. Free Cyanide: The permittee shall use ASTM D7237, OIA-1677-09, or ASTM D4282-02 to quantify domestic background contributions of free cyanide. [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)].

## 2. Evaluation for Reducing Discharge of Phosphorus

The permittee shall continue to develop and implement treatment and/or control strategies aimed at reducing the discharge of phosphorus at Outfall 3PE00001001.

The permittee shall fill out and submit the Evaluation for Reducing Discharge of Phosphorus Form with the future NPDES permit renewal application. This form, which reports on the overall progress toward reducing the final effluent concentration of nutrients, is available on Ohio EPA's website at:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permit-applications-industrial-and-municipal-discharges->

## 3. New Toxicity Effluent Limits

The permittee shall attain compliance with the final effluent limitations listed in Part I,A as expeditiously as possible but not later than the dates in the following schedule:

a. The permittee shall conduct quarterly chronic toxicity tests using fathead minnows (*Pimephales promelas*) on effluent samples from outfall 3PE00001001. These tests shall be conducted as specified in Section 3 of the biomonitoring guidance. Acute endpoints, as described in Section 2.H. of the biomonitoring guidance, shall be derived from the chronic test.

b. Within 12 months after the permit effective date, the permittee shall submit to a progress report to the Ohio EPA Northeast District Office. At a minimum, the report shall summarize the results of all *P. promelas* toxicity tests from the previous year, identify and discuss any concerns arising from the toxicity tests, and include a summary of activities performed to identify sources of effluent toxicity. (Event 90199)

c. Within 24 months after the permit effective date, the permittee shall submit to a progress report to the Ohio EPA Northeast District Office. At a minimum, the report shall summarize the results of all *P. promelas* toxicity tests from the previous year, identify and discuss any concerns arising from the toxicity tests, and include a summary of activities performed to identify sources of effluent toxicity. (Event 90299).

d. Within 30 months after the permit effective date, the permittee shall submit a report to the Ohio EPA Northeast Office. This report shall contain summarized results of toxicity tests performed within at least the previous 30 months . (Event Code 61099)

For *P. promelas* toxicity testing:

i) If the acute and chronic toxicity test results are reported below 1.0 TUa and 11.0 TUC, respectively, the permittee may submit a request to Ohio EPA Northeast Office for a permit modification. The permit modification may allow for decreased toxicity monitoring and/or removal of final effluent limitations. Unless modified, the final effluent limitations become effective 36 months from the effective date of this permit.

ii) If the acute and chronic toxicity test results are greater than or equal to 1.0 TU<sub>a</sub> and 11.0 TU<sub>c</sub>, respectively, at outfall 3PE00001001 during regular quarterly testing, Ohio EPA personnel may determine if a Toxicity Reduction Evaluation (TRE) will be required of the permittee. A decision to require a TRE will be based upon professional judgment and the following decision criteria:

-- Acute or chronic PEQ values for toxicity in outfall 3PE00001001 effluent determined using the provisions of 40 CFR Part 132, Appendix F, Procedure 6 are greater than the acute wasteload allocation (WLA) of 1.0 TU<sub>a</sub> or the chronic WLA of 11.0TU<sub>c</sub>.

-- A review of the test procedures for adequacy, and

-- Evaluation of the normality of process and treatment plant operations at the time of sampling.

The permittee shall receive written notification from Ohio EPA if a TRE is required. Any such determination will be incorporated into a subsequent permit renewal or modification.

e. No later than 36 months after the permit effective date, the permittee shall attain compliance with the final effluent limits for whole effluent toxicity. The permittee shall notify Ohio EPA Northeast District Office within 14 days of attaining compliance. (Event Code 05699).

## 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 IV 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 II 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://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/28/documents/opcert/Operator\\_of\\_Record\\_Notification\\_Form.pdf](https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/28/documents/opcert/Operator_of_Record_Notification_Form.pdf)

- 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. The professional operator of record for a class II, III, or IV treatment works or class II sewerage system may be replaced by a backup professional operator with a certificate one classification lower than the treatment works or sewerage system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency. This provision may not be used to routinely circumvent minimum staffing requirements.
- d. Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the professional operator of record for a class II, III, or IV treatment works or class II sewerage system by a backup professional operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the appropriate district office.

#### 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.

c. If Ohio EPA approves a reduction in minimum staffing requirements based upon a facility operating plan, any change in the criteria under which the operating plan was approved (e.g., retirement of a professional operator listed in the approved staffing plan, loss of the professional operator of record, reduction in the workforce, removal or failure of automation or continuous monitoring, etc.) will require that the treatment works immediately return to the minimum staffing requirements included in paragraph (C)(1) 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
3PE00001001	Final effluent prior to discharge to Lake Erie. (Lat/Long: 41.5083, -81.7267)
3PE00001002 (interim)	Wet-weather overflow discharge to Lake Erie. (Lat/Long: 41.4950, -81.7260)
3PE00001002 (final)	Wet-weather overflow: treated CEHRT effluent for flows up to design capacity of 411 MGD, prior to discharge to Lake Erie. (Lat/Long: 41.4950, -81.7260)
3PE00001093	"Fictitious" wet-weather overflow: treated CEHRT effluent for flows greater than design capacity of 411 MGD, prior to discharge to Lake Erie. (same physical location as 3PE00001002)
3PE00001300	Collection system sanitary sewer overflows from sewers owned or operated by permittee
3PE00001585	Sludge disposal via Incineration.
3PE00001586	Sludge disposal via sanitary landfill
3PE00001588	Sludge disposal via transfer to another NPDES permit holder
3PE00001601	Influent monitoring
3PE00001602	Secondary treatment bypass prior to mixing with effluent from secondary treatment in the chlorine contact tank.
3PE00001603	Wet-weather overflow: untreated diversion from CEHRT system, prior to combining with CEHRT effluent and discharged via Outfall 3PE00001002. (Lat/Long: 41.4951, -81.7260)

C. Subject to the terms and conditions of this permit, the permittee is authorized to discharge from the following outfalls and/or monitoring stations that are limited to stormwater associated with industrial activity. See Parts IV, V, and VI for monitoring and reporting requirements.

Sampling Station	Description of Location
3PE00001101	Stormwater from Drainage Area #1; 60-inch outlet to Lake Erie (Lat: 41.4949; Long: -81.7263)
3PE00001102	Stormwater from Drainage Area #2; 24-inch outlet to Lake Erie (Lat: 41.4951; Long: -81.7259)
3PE00001103	Stormwater from Drainage Area #3; 10ft. x 18 ft. box culvert to Lake Erie (Lat: 41.4951; Long: -81.7259)

D. CSO Nine Minimum Controls

The entire wastewater treatment system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. To accomplish this, the permittee shall utilize the following technologies:

- 1) provide proper operation and maintenance for the collection system and the CSOs;
- 2) provide the maximum use of the collection system for storage of wet weather flow prior to allowing CSOs;
- 3) review and modify the pretreatment program to minimize the impact of nondomestic discharges from CSOs;
- 4) maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities;
- 5) prohibit dry weather overflows;
- 6) control solid and floatable materials in the CSO discharge;
- 7) conduct required inspection, monitoring and reporting of CSOs;
- 8) implement pollution prevention programs that focus on reducing the level of contaminants in CSOs;
- 9) implement a public notification program for areas affected by CSOs, especially beaches and recreation areas.

E. Peak Flow Rate

1. Westerly WWTC shall always be operated to maximize the treatment of wet weather flows from the combined sewer system. For each wet weather event, the plant shall have the following peak capacities:

- i. 100 MGD through the existing primary and trickling filter/solids contact secondary treatment processes, to be discharged via Outfall 3PE00001001; and
- ii. Upon completion of the CEHRT, an additional 411 MGD through the CEHRT processes, to be discharged via Outfall 3PE0001002.

This level of treatment shall be accomplished by having a Wet Weather Operating Plan (WWOP) containing procedures and guidance for operating unit processes, including any CSO treatment or retention facilities. The goals of the WWOP are to provide operational guidance to plant staff for treating wet weather flows, while not appreciably diminishing effluent quality or destabilizing treatment upon return to dry weather operation. The permittee shall make reasonable effort to properly schedule

equipment maintenance to avoid wet weather service interruptions. Reasonable effort shall include appropriate staffing levels for maintaining and repairing critical equipment that lacks redundancy as part of the operations component of the WWOP. This includes restoring all equipment to service as quickly as practicable to comply with maximizing flow to the treatment plant.

2. The permittee shall at all times comply with the concentration limits contained in this permit. Mass loading limits included in this permit at Outfall 3PE00001001 are based on the facility's normal operating capacity of 35 MGD. Exceedances of the mass loading limits could occur if the volume of wet weather flow to the plant reaches a point that exceeds the normal operating capacity. During periods of excessive or extended wet weather flow treatment, the permittee is authorized to utilize Reporting Code 50047, Peak Flow Rate, in conjunction with Reporting Code 50050, Flow Rate; the permittee shall report a minimum of 35 MGD for Reporting Code 50050 and all excess flow to Reporting Code 50047. Flow values reported under Reporting Code 50047 are not utilized in subsequent loading calculations. Reporting Code 50047 may not be utilized when the use of Reporting Code 50050 would be reasonably expected to achieve the associated mass loading limitation.

F. On July 7, 2011, Consent Decree 1:10CV2895-DCN was filed in the United States District Court for the Northern District of Ohio. The Consent Decree contains provisions and schedules for addressing wet weather flow conditions at the respective wastewater treatment systems operated by the permittee. This NPDES permit may be modified, or alternatively revoked and reissued, to incorporate provisions and conditions of the Consent Decree and any modifications or revisions thereof.

#### G. 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 your eDMR 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

Northeast 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.

H. 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.

I. 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.

J. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

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

L. 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.

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

#### N. Limits Below Quantification

The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (QL) for the approved analytical procedure promulgated at 40 CFR Part 136. QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Level (ML). Compliance with an effluent limit that is below the QL is determined in accordance with ORC Section 6111.13 and OAC 3745-33-07(C). For maximum effluent limits, any value reported below the 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 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 QL, 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 method detection limit (MDL) but below the QL: report the analytical result, even though it is below the QL.
3. Results below the MDL: report the analytical result as "below detection" using the code "AA".

The following table of QLs will be used to determine compliance with final effluent limits:

<u>Parameter</u>	<u>PQL</u>	<u>ML</u>
Chlorine, Total Residual	0.050 mg/L	--

This permit may be modified, or 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 limits (WQBELs).

O. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR Part 270.60(c), a POTW must:

1. Comply with all conditions of its NPDES permit,
2. Obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
3. Satisfy corrective action requirements, and
4. Meet all federal, state, and local pretreatment requirements.

P. Water quality-based effluent limits (WQBELs) 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 WQBELs or other conditions that are necessary to comply with a revised wasteload allocation or approved Total Maximum Daily Load (TMDL) report, as required under Section 303(d) of the Clean Water Act.

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

R. No later than March 1 of each calendar year, the permittee shall submit an annual sludge report summarizing the sewage sludge disposal, use, storage, or treatment activities of the permittee during the previous calendar year. The report shall be submitted through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service.

S. 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.

#### T. 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.

#### U. Monitoring for Dissolved Orthophosphate (as P)

The permittee shall monitor for dissolved orthophosphate by grab sample. The permittee shall filter the grab sample within 15 minutes of collection using a 0.45 micron filter. The filtered sample must be analyzed within 48 hours. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

#### V. Outfall Signage

The permittee shall maintain a permanent marker on the shoreline 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.

#### W. General Mercury Variance

The permittee is granted a renewal of the general mercury variance under the provisions of Rule 3745-01-38(H) of the Ohio Administrative Code. The Westerly WWTC 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. The Westerly WWTC 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 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 3PE00001001 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 continue implementing a PMP for mercury consistent with the plan of study included in the permittee's mercury variance application submitted on June 9, 2023, and any other relevant information submitted by the permittee, including the following activities:

i. Update inventory of chemicals at Westerly WWTC, continue to identify and evaluate industrial sources, conduct mercury source tracking as follow-up to completed interceptor studies, and continue monitoring precipitation and fish tissue for mercury content;

ii. Maintain the mercury-free purchasing policy, require best management practice plans from industrial source evaluations and source tracking studies, and evaluation of plant processes to track mercury removal trends.

iii. For dental and medical sources, maintain and update source databases, conduct inspections, and continue sampling.

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 maintain an annual average mercury effluent concentration equal to or less than 12 ng/L.

g. On or prior to May 15 of each year, the permittee shall submit two copies of an annual PMP report (via hardcopy or electronic) 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

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 the following website:  
<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/permits-program-technical-assistance>. Open the Mercury list.

h. Upon completion of the actions identified in the plan of study as required in Part II, Item Y.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 Northeast 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 Northeast 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 3PE00001001 beginning 6 months from the date of the exceedance.

3. The requirements of Part II, Item W.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.

#### X. 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 W of this permit.

#### Y. 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 W.1.h., and all information required under Part II, Item W.1.h.i. through Part II, Item W.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 W.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.

#### Z. Pretreatment Program Requirements

The permittee's pretreatment program initially approved on September 6, 1985, and all subsequent modifications approved before the effective date of this permit, shall be an enforceable term and condition of this permit. To ensure that the approved program is implemented in accordance with 40 CFR 403, Chapter 3745-3 of Ohio Administrative Code and Chapter 6111 of the Ohio Revised Code, the permittee shall comply with the following conditions:

##### 1. Legal Authority

The permittee shall adopt and maintain legal authority which enables it to fully implement and enforce all aspects of its approved pretreatment program including the identification and characterization of industrial sources, issuance of control documents, compliance monitoring and reporting, and enforcement.

The permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable the permittee to fulfill its requirements with respect to industrial users discharging to its system.

##### 2. Funding

The permittee shall have sufficient resources and qualified personnel to fully implement all aspects of its approved pretreatment program.

##### 3. Industrial User Inventory

The permittee shall identify all industrial users subject to pretreatment standards and requirements and characterize the nature and volume of pollutants in their wastewater. Dischargers determined to be Significant Industrial Users according to OAC 3745-3-01 must be notified of applicable pretreatment standards and requirements within 30 days of making such a determination. This inventory shall be updated at a frequency to ensure proper identification and characterization of industrial users.

##### 4. Slug Load Control Plans for Significant Industrial Users

The permittee shall evaluate the need for a plan, device or structure to control a potential slug discharge at least once during the term of each significant industrial user's control mechanism. Existing significant industrial users shall be evaluated within one year of the effective date of this permit if the users have never been evaluated. New industrial users identified as significant industrial users shall be evaluated within one year of being identified as a significant industrial user.

## 5. Local Limits

The permittee shall develop and enforce technically based local limits to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the treatment works, be incompatible with the treatment works, or limit wastewater or sludge use options.

The permittee shall use the following waste load allocation values when evaluating local limits for the following pollutants for which a final effluent limit has not been established:

Arsenic	680 ug/L
Cadmium	11 ug/L
Chromium, Hexavalent	31 ug/L
Chromium, Total	1100 ug/L
Copper	33 ug/L
Cyanide, Free	44 ug/L
Lead	88 ug/L
Molybdenum	110000 ug/L
Nickel	650 ug/L
Selenium	55 ug/L
Silver	4.3 ug/L
Zinc	280 ug/L

For the purpose of periodically reevaluating local limits, the permittee shall implement and maintain a sampling program to characterize pollutant contribution to the POTW from industrial and residential sources and to determine pollutant removal efficiencies through the POTW. The permittee shall continue to review and develop local limits as necessary.

## 6. Control Mechanisms

The permittee shall issue control mechanisms to all industries determined to be Significant Industrial Users as defined in OAC 3745-3-01. Control mechanisms must meet at least the minimum requirements of OAC-3745-3-03(C)(1)(c).

## 7. Industrial Compliance Monitoring

The permittee shall sample and inspect industrial users in accordance with the approved program or approved modifications, including inspection and sampling of all significant industrial users at least annually. Sample collection, preservation and analysis must be performed in accordance with procedures in 40 CFR 136 and with sufficient care to produce evidence admissible in judicial enforcement proceedings.

The permittee shall also require, receive, and review self-monitoring and other industrial user reports when necessary to determine compliance with pretreatment standards and requirements. If the permittee performs sampling and analysis in lieu of an industrial user's self-monitoring, the permittee shall perform repeat sampling and analysis within 30 days of becoming aware of a permit violation, unless the permittee notifies the user of the violation and requires the user to perform the repeat analysis and reporting.

## 8. POTW Priority Pollutant Monitoring

The permittee shall annually monitor priority pollutants, as defined by U.S. EPA, in the POTW's influent, effluent and sludge. Sample collection, preservation, and analysis shall be performed using U.S. EPA

approved methods.

a. A sample of the influent and the effluent shall be collected when industrial discharges are occurring at normal to maximum levels. Sampling of the influent shall be done prior to any recycle streams and sampling of the effluent shall be after disinfection. Both samples shall be collected on the same day or, alternately, the effluent sample may be collected following the influent sample by approximately the retention time of the POTW.

Sampling of sludge shall be representative of sludge removed to final disposal. A minimum of one grab sample shall be taken during actual sludge removal and disposal unless the POTW uses more than one disposal option. If multiple disposal options are used, the POTW shall collect a composite of grab samples from all disposal practices which are proportional to the annual flows to each type of disposal.

b. The results of these samples must be submitted on Ohio EPA Form 4221 with the permittee's annual pretreatment report. Samples may be collected at any time during the 12 months preceding the due date of the annual report and may be used to fulfill other NPDES monitoring requirements where applicable.

## 9. Enforcement

The permittee shall investigate all instances of noncompliance with pretreatment standards and requirements and take timely, appropriate, and effective enforcement action to resolve the noncompliance in accordance with the permittee's approved enforcement response plan.

On or prior to May 15th of each year, the permittee shall publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the permittee, a list of industrial users which, during the previous 12 months, have been in Significant Noncompliance [OAC 3745-3-03(C)(2)(h)] with applicable pretreatment standards or requirements.

## 10. Reporting

All reports required under this section shall be submitted through Ohio EPA's eBusiness Center/STREAMS, Division of Surface Water NPDES Permit Applications services. The Ohio EPA eBusiness Center can be found in the link: <https://ebiz.epa.ohio.gov/login.html>

### a. Quarterly Industrial User Violation Report

On or prior to the 15th day of March, June, September, and December, the permittee shall report the industrial users that are in violation of applicable pretreatment standards during the previous quarter. The report shall be prepared in accordance with guidance provided by Ohio EPA and shall include a description of all industrial user violations and corrective actions taken to resolve the violations.

### b. Annual Pretreatment Report

On or prior to May 15th of each year, the permittee shall submit an annual report on the effectiveness of the pretreatment program. The report shall be prepared in accordance with guidance provided by Ohio EPA and shall include, but not be limited to: a discussion of program effectiveness; an industrial user inventory; a description of the permittee's monitoring program; a description of any pass through or interference incidents; a copy of the annual publication of industries in Significant Noncompliance; and, priority pollutant monitoring results.

## 11. Record Keeping

All records of pretreatment activities including, but not limited to, industrial inventory data, monitoring results, enforcement actions, and reports submitted by industrial users must be maintained for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation. Records must be made available to Ohio EPA and U.S. EPA upon request.

## 12. Program Modifications

Any proposed modifications of the approved pretreatment program must be submitted to Ohio EPA for review, on forms available from Ohio EPA and consistent with guidance provided by Ohio EPA. If the modification is deemed to be substantial, prior approval must be obtained before implementation; otherwise, the modification is considered to be effective 45 days after the date of application. Substantial program modifications include, among other things, changes to the POTW's legal authority, industrial user control mechanisms, local limits, confidentiality procedures, or monitoring frequencies.

### AA. Biomonitoring Program Requirements

The permittee shall continue to implement an effluent biomonitoring program to determine the toxicity of the effluent from outfall 3PE00001001.

#### General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with "Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency" (hereinafter, the "biomonitoring guidance"), Ohio EPA, July 1998 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance shall be submitted no later than three months after the effective date of this permit. If the laboratory performing the testing has modified its protocols, a new SOP is required.

#### Testing Requirements

##### 1. Chronic Bioassays

The permittee shall conduct chronic toxicity tests, as specified in Part I,A, using water fleas (*Ceriodaphnia dubia*) and fathead minnows (*Pimephales promelas*) on effluent samples from outfall 3PE00001001. These tests shall be conducted as specified in Section 3 of the biomonitoring guidance.

##### 2. Acute Bioassays

The permittee shall conduct definitive acute toxicity tests, as specified in Part I,A, using water fleas (*Ceriodaphnia dubia*) and fathead minnows (*Pimephales promelas*) on effluent samples from outfall 3PE00001001. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance. Acute toxicity tests need not be performed for months in which chronic toxicity tests are conducted. Acute endpoints, as described in Section 2.H. of the biomonitoring guidance, shall be derived from the chronic test.

##### 4. Data Review

###### a. Reporting

Following completion of each bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1., 2.H.2.a., 3.H.1., and 3.H.2.a. of the biomonitoring guidance, including

reporting the results on the monthly DMR and submitting a copy of the complete test report to Ohio EPA, Division of Surface Water. The test report may be submitted electronically using the acute or chronic NPDES Biomonitoring Report Form available through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service. Alternatively, the permittee may submit a hard copy of the report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049.

Based on Ohio EPA's evaluation of the results, this permit may be modified to require additional biomonitoring, require a toxicity reduction evaluation, and/or contain whole effluent toxicity limits.

b. Definitions

$TU_a = \text{Acute Toxicity Units} = 100/LC50$

$TU_c = \text{Chronic Toxicity Units} = 100/IC25$

This equation for chronic toxicity units applies outside the mixing zone for warmwater, modified warmwater, exceptional warmwater, coldwater, and seasonal salmonid use designations except when the following equation is more restrictive (*Ceriodaphnia dubia* only):

$TU_c = \text{Chronic Toxic Units} = 100/\text{square root of } (NOEC \times LOEC)$

AB. The limitation for pH (Minimum) is based on a mixing zone analyses submitted by the permittee. The analyses demonstrated that this limitation is protective of the water quality standard within the mixing zone. The permittee shall justify continuation of the limitation, or an alternative limitation, with each permit renewal application.

## 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.

"Biosolids" means sewage sludge or mixtures containing sewage sludge that have been treated for beneficial use.

"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 waterfowl;
- 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/help-center/ebusiness-center>

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 the treatment, storage, transfer, or disposal of sewage sludge or biosolids, and the beneficial use of biosolids, 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 treatment works 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 or biosolids, 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 or biosolids, for retention of records shall start from the date of sample, measurement, report, or application.

## 8. AVAILABILITY OF REPORTS

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

## 9. DUTY TO PROVIDE INFORMATION

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

## 10. RIGHT OF ENTRY

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

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

## 11. UNAUTHORIZED DISCHARGES

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

### B. Notice

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

### C. Prohibition of Bypass

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

## 12. NONCOMPLIANCE NOTIFICATION

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

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

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

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

The permittee shall attach a noncompliance report to the email. A noncompliance report form is available on the following website 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](mailto:sedo24hournpdes@epa.ohio.gov)  
Southwest District Office: [swdo24hournpdes@epa.ohio.gov](mailto:swdo24hournpdes@epa.ohio.gov)  
Northwest District Office: [nwdo24hournpdes@epa.ohio.gov](mailto:nwdo24hournpdes@epa.ohio.gov)  
Northeast District Office: [nedo24hournpdes@epa.ohio.gov](mailto:nedo24hournpdes@epa.ohio.gov)  
Central District Office: [cdo24hournpdes@epa.ohio.gov](mailto:cdo24hournpdes@epa.ohio.gov)  
Central Office: [co24hournpdes@epa.ohio.gov](mailto:co24hournpdes@epa.ohio.gov)

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

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

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

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

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

- a. The name of the permittee, and a contact name and telephone number;
  - b. The 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 or biosolids, 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.

## PART IV. STORMWATER CONTROL MEASURES AND POLLUTION PREVENTION PROGRAMS

In Part IV and in Part VI, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

### A. Control Measures

You shall select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part IV.B, and meet the control measures/best management practices in Part IV.C and any applicable numeric effluent limits in Part I. The selection, design, installation, and implementation of these control measures shall be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part IV.J.3. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you shall modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

### B. Control Measure Selection and Design Considerations

You shall consider the following when selecting and designing control measures:

1. Preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater
2. Using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
3. Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
4. Minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care shall be taken to avoid ground water contamination;
5. Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
6. Conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
7. Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

### C. Control Measures/Best Management Practices (BMPs)

1. Minimize Exposure - You shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling

operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- a. Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- b. Locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- c. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- d. Use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- e. Use spill/overflow protection equipment;
- f. Drain fluids from equipment and vehicles prior to on-site storage or disposal;
- g. Perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- h. Ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

If the discharge of vehicle and equipment washwater is not authorized under Part I of this permit, these wastewaters must be discharged to sanitary sewer in accordance with applicable industrial pretreatment requirements or disposed of otherwise in accordance with applicable law.

[Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under Part I of this permit.]

2. Good Housekeeping - You shall keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

3. Maintenance - You shall regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You shall maintain all control measures that are used to achieve the control measures/best management practices (BMPs) required by this permit in effective operating condition. Nonstructural control measures shall also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you shall make the necessary repairs or modifications as expeditiously as practicable.

4. Spill Prevention and Response Procedures - You shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, you shall implement:

- a. Procedures for plainly labeling containers (e.g., "Used Oil", "Spent Solvents", "Fertilizers and Pesticides", etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - b. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - c. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team (Part IV.J.1); and
  - d. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you shall notify the Ohio EPA in accordance with the requirements of Part III Item 12 of this permit as soon as you have knowledge of the discharge. Contact information shall be in locations that are readily accessible and available.
5. Erosion and Sediment Controls - You shall stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you shall take to meet this limit, you shall place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the current edition of Ohio's Rainwater and Land Development manual (<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/rainwater-and-land-development>), U.S. EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Storm Water Fact Sheet Series, (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance>), National Menu of Storm Water BMPs (<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (<https://www.epa.gov/nps/urban-runoff-national-management-measures>).
6. Management of Runoff - You shall divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the current edition of Ohio's Rainwater and Land Development manual (<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/rainwater-and-land-development>), U.S. EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Storm Water Fact Sheet Series, (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance>), National Menu of Storm Water BMPs (<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (<https://www.epa.gov/nps/urban-runoff-national-management-measures>).
7. Salt Storage Piles or Piles Containing Salt - You shall enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.
8. Sector Specific Control Measures/Best Management Practices (BMPs) - You shall achieve any additional control measures/best management practices (BMPs) stipulated in the relevant sector-specific

section(s) of Part IV.K. of this permit.

9. Employee Training - You shall train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. Training shall cover both the specific control measures used to achieve the conditions in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Ohio EPA requires that training be conducted at least annually (or more often if employee turnover is high).

10. Non-Stormwater Discharges - You shall eliminate non-stormwater discharges not authorized in Part I and Part II of this NPDES permit. The following are additional non-stormwater discharges authorized under this permit:

- a. Discharges from fire-fighting activities (not planned exercises);
- b. Fire hydrant flushings;
- c. Potable water, including water line flushings;
- d. Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- e. Irrigation drainage;
- f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- g. Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols, etc.), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part IV.J.2), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- h. Routine external building washdown/power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols, etc.);
- i. Uncontaminated groundwater or spring water
- j. Foundation or footing drains where flows are not contaminated with process materials;
- k. Incidental windblown mist from cooling towers that collect on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdowns or drains)

11. Waste, Garbage and Floatable Debris - You shall ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

12. Dust Generation and Vehicle Tracking of Industrial Materials - You shall minimize generation of dust and off-site tracking of raw, final, or waste materials.

#### **D. Corrective Actions**

1. Conditions Requiring Review and Revision to Eliminate Problem - If any of the following conditions occur, you shall review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

- a. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
- b. A discharge violates a numeric effluent limit;
- c. You become aware, or Ohio EPA determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
- d. An inspection or evaluation of your facility by an Ohio EPA official or local MS4 operator determines that modifications to the control measures are necessary to meet the control measures/best management practices (BMPs) in this permit; or
- e. You find in your routine facility inspection or quarterly visual assessment that your control measures are not being properly operated and maintained.

2. Conditions Requiring Review to Determine if Modifications Are Necessary - If construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged, you shall review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the Part IV.A conditions in this permit:

3. Corrective Action Deadlines - You shall document your discovery of any of the conditions listed in Part IV.D.1 and Part IV.D.2 within 24 hours of making such discovery. Subsequently, within 30 days of such discovery, you shall document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 30 days is detailed in Part IV.D.4. If you determine that changes are necessary following your review, any modifications to your control measures shall be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

4. Corrective Action Report - Within 24 hours of discovery of any condition listed in Part IV.D.1 and Part IV.D.2, you shall document the following information:

- a. Identification of the condition triggering the need for corrective action review;
- b. Description of the problem identified; and
- c. Date the problem was identified.

Within 30 days of discovery of any condition listed in Part IV.D.1 and Part IV.D.2, you shall document the following information and submit the report to the appropriate Ohio EPA District Office):

- a. Summary of corrective action taken or to be taken (or, for triggering events identified in Part IV.D.2 where you determine that corrective action is not necessary, the basis for this determination);
- b. Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- c. Date corrective action initiated; and
- d. Date corrective action completed or expected to be completed.

In addition to your corrective action report, you shall also include this documentation in an annual report as required in Part V. A.2 and retain onsite with your SWPPP.

5. Effect of Corrective Action - If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. Ohio EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

6. Substantially Identical Outfalls - If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review shall assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls shall also be made before the next storm event if possible, or as soon as practicable following that storm event.

## **E. Inspections**

Beginning on the effective date of this permit, you shall conduct the inspections in Part IV.E.1 and Part IV.E.2 at your facility.

### **1. Routine Facility Inspections**

a. Routine Facility Inspection Procedure - Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with Part IV. Items A-C conditions contained in this permit. Routine facility inspections shall be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. Perform these inspections during periods when the facility is in operation. You shall specify the relevant inspection schedules in your SWPPP document as required in Part IV. Items A-C. These routine inspections shall be performed by qualified personnel (for definition see VI - Definitions) with at least one member of your stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection shall be conducted during a period when a stormwater discharge is occurring.

b. Routine Facility Inspection Documentation - You shall document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP. You are not required to submit your routine facility inspection findings to Ohio EPA, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection shall include:

- i. The inspection date and time;
- ii. The name(s) and signature(s) of the inspector(s);
- iii. Weather information and a description of any discharges occurring at the time of the inspection;
- iv. Any previously unidentified discharges of pollutants from the site;
- v. Any control measures needing maintenance or repairs;

- vi. Any failed control measures that need replacement;
- vii. Any incidents of noncompliance observed; and
- viii. Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection shall be performed consistent with Part IV.D of this permit.

c. Exceptions to Routine Facility Inspections:

i. *Inactive and Unstaffed Sites* - The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual site inspection in accordance with the requirements of Part IV.E.1. To invoke this exception, you shall maintain a statement in your SWPPP pursuant to Part IV.F indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement shall be signed and certified in accordance with Part III.28. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you shall immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you shall include the same signed and certified statement as above and retain it with your records.

ii. *Ohio EPA's Encouraging Environmental Excellence (E3) Program* - If your facility has been recognized under the Gold and Platinum levels by Ohio EPA's Encouraging Environmental Excellence (E3) Program, you only need to conduct routine facility inspections for two quarters each year. If Part IV.K of this permit requires your facility to conduct routine facility inspections on a monthly basis, you only need to conduct routine facility inspections on a quarterly basis.

2. Quarterly Visual Assessment of Stormwater Discharges

a. Quarterly Visual Assessment Procedures - Once each calendar quarter for the entire permit term you shall collect a stormwater sample from Outfall(s): 3PE00001101 and 3PE00001102 and any other areas outlined in the Storm Water Pollution Prevention Plan and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the stormwater discharge. The visual assessment shall be made:

- i. Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- ii. On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample shall be collected as soon as practicable after the first 30 minutes and you shall document 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 from your site; and
- iii. For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. If it is not possible to collect the sample on discharges that occur at least 72 hours (3 days) from the previous discharge, the sample shall be collected as close to this storm interval as practicable and you shall document why it was not possible to

take samples from a 72 hour (3 day) storm interval.

iv. **Areas Subject to Snow:** In areas subject to snow, at least one quarterly visual assessment shall capture snowmelt discharge.

v. For the following water quality characteristics: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution.

b. *Quarterly Visual Assessment Documentation* - You shall document the results of your visual assessments and maintain this documentation onsite with your SWPPP. You are not required to submit your visual assessment findings to Ohio EPA, unless specifically requested to do so. At a minimum, your documentation of the visual assessment shall include:

- i. Sample location(s)
- ii. Sample collection date and time, and visual assessment date and time for each sample;
- iii. Personnel collecting the sample and performing visual assessment, and their signatures;
- iv. Nature of the discharge (i.e., runoff or snowmelt);
- v. Results of observations of the stormwater discharge;
- vi. Probable sources of any observed stormwater contamination; and
- vii. If applicable, why it was not possible to take samples within the first 30 minutes and/or from a 72 hour (3 day) storm interval.

Any corrective action required as a result of a quarterly visual assessment shall be performed consistent with Part IV.D of this permit.

c. *Exceptions to Quarterly Visual Assessments*

The following are exceptions to quarterly visual assessments:

i. *Adverse Weather Condition* - When adverse weather conditions prevent the collection of samples during the quarter, you shall take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter shall be included with your SWPPP records. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

ii. *Areas Subject to Snow* - In areas subject to snow, at least one quarterly visual assessment shall capture snowmelt discharge, as described in Part IV.E.2.

iii. *Substantially Identical Outfalls* - If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in your SWPPP, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you shall assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

iv. *Inactive and Unstaffed Sites* - The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you shall maintain a statement in your SWPPP indicating that the

site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement shall be signed and certified in accordance with Part III.28 of this permit. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you shall immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you shall include the same signed and certified statement as above and retain it with your records.

v. *Ohio EPA's Encouraging Environmental Excellence (E3) Program* - If your facility has been recognized under the Gold and Platinum levels by Ohio EPA's Encouraging Environmental Excellence (E3) Program, you only need to conduct quarterly visual assessment of stormwater discharges for two quarters each year.

#### **F. Stormwater Pollution Prevention Plan (SWPPP)**

A stormwater pollution prevention plan (SWPPP) shall be developed to address each outfall that discharges to waters of the state that contains stormwater associated with industrial activity. Stormwater pollution prevention plans shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. The SWPPP shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the stormwater pollution prevention plan required under this part as a condition of this permit.

The SWPPP does not contain effluent limitations; the limitations or benchmarks are contained in Part I. The SWPPP is intended to document the selection, design, and installation of control measures. As distinct from the SWPPP, the documentation requirements are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

#### **G. Deadline to Update the SWPPP**

The permittee shall continue to implement and be in compliance with the SWPPP required by the previous permit. Within six months of the effective date of this permit, the permittee shall update the SWPPP as necessary to address any new or reviewed requirements of this permit.

#### **H. Signature Requirements and SWPPP Availability**

1. Your plan shall be signed and dated in accordance with Part III, Item 28, and be retained on-site at the facility which generates the stormwater discharge.

2. You shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to Ohio EPA; a local agency approving stormwater management plans; and the operator of an MS4 receiving discharges from the site. Ohio EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within Ohio EPA. Your current SWPPP or certain information from your current SWPPP shall be made available to the public, except any confidential business information (CBI) or restricted information, but you shall clearly identify those portions of the SWPPP that are being withheld from public access. See 40 CFR Part

2 for relevant definitions of CBI: <https://www.govinfo.gov/content/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf>

3. All stormwater pollution prevention plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the Act. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within Ohio EPA. An interested party wishing a copy of a discharger's SWPPP will have to contact the Ohio EPA to obtain a copy.

## **I. Required SWPPP Modifications**

The permittee shall modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part IV.D and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part IV.D.2 indicates that changes to your control measures are necessary to meet the control measures/best management practices (BMPs) in this permit. Changes to your SWPPP document shall be made in accordance with the corrective action deadlines in Part IV.D.3 and Part IV.D.4.

The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

## **J. Contents of SWPPP**

The plan shall include, at a minimum, the following items:

### **1. Stormwater Pollution Prevention Team**

You shall identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team shall have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

### **2. Site Description**

Your SWPPP shall include the following:

- a. Activities at the Facility - Provide a description of the nature of the industrial activities at your facility;
- b. General location map. - Provide a general location map (e.g. U.S. Geologic Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- c. Site map - Provide a site map showing:
  - The size of the property in acres;
  - The location and extent of significant structures and impervious surfaces;
  - Directions of stormwater flow (use arrows);

- Locations of all existing structural control measures;
- Locations of all receiving waters in the immediate vicinity of your facility;
- Locations of all stormwater conveyances including ditches, pipes and swales;
- Locations of potential pollutant sources identified under Part IV J. 2.b;
- Locations where significant spills or leaks identified under Part IV J. 2.b. have occurred;
- Locations of all stormwater monitoring points;
- Locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g. Outfall 001, Outfall 002, etc), indicating any outfalls that are considered substantially identical to another outfall, and an approximate outline of the areas draining to each outfall;
- Municipal separate storm sewer systems, where your stormwater discharges to them;
- Locations and descriptions of all non-stormwater discharges identified under Part IV. C. 10;
- Locations of the following activities where such activities are exposed to precipitation:

- Fueling stations;
- Vehicle and equipment maintenance and/or cleaning areas;
- Loading/unloading areas;
- Locations used for the treatment, storage, or disposal of wastes;
- Liquid storage tanks;
- Processing and storage areas;
- Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
- Transfer areas for substances in bulk;
- Machinery; and
- Locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

### 3. Summary of Potential Pollutant Sources

You shall document at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities, include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final product or waste product. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description shall include, at a minimum:

a. Activities in the Area - This includes a list of industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

b. Pollutants - A list of the pollutant(s) or pollutant constituents (e.g, crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list shall include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

c. Spills and Leaks - You shall document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You shall document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

[Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances

in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC Section 9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oil or hazardous substances.]

d. Non-Stormwater Discharges - You shall document that you have evaluated for the presence of non-stormwater discharges, except for those listed in Part I and Part IV.C.10, and that all unauthorized discharges have been eliminated. Documentation of your evaluation shall include:

- i. The date of any evaluation;
- ii. A description of the evaluation criteria used;
- iii. A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- iv. The different types of non-stormwater discharge(s) and source locations; and
- v. The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

e. Salt Storage - You shall document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

f. Sampling Data - A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility.

#### 4. Description of Control Measures

You shall document the location and type of control measures you have installed and implemented at your site to achieve the control measures/best management practices (BMPs) in Part IV.C, and where applicable, in Part IV.K. You shall describe how you addressed the control measure selection and design considerations in Part IV.B. This documentation shall describe how the control measures at your site address both the pollutant sources identified in Part IV.J.2 and any stormwater run-on that commingles with any discharges covered under this permit.

#### 5. Schedules and Procedures

a. Pertaining to Control Measures used to Comply with the Control Measures/Best Management Practices (BMPs) - The following shall be documented in your SWPPP:

i. Good Housekeeping (See Part IV.C.2) - A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.

ii. Maintenance (See Part IV.C.3) - Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;

iii. Spill Prevention and Response Procedures (See Part IV.C.4) - Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite (hard copy or electronic) and make it available for review consistent with Part IV.J.5; and

iv. *Employee Training* (See Part IV.C.9) - A schedule for all types of necessary training.

b. *Pertaining to Monitoring and Inspection* - Where applicable, you shall document in your SWPPP your procedures for conducting analytical stormwater monitoring. You shall document in your SWPPP your procedures for performing, as appropriate, the two types of inspections specified by this permit, including: 1) Routine facility inspections (See Part IV.E.1) and 2) Quarterly visual assessment of stormwater discharges (See Part IV.E.2).

For each type of monitoring, your SWPPP shall document:

- i. Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- ii. Parameters for sampling and the frequency of sampling for each parameter;
- iii. Schedules for monitoring at your facility (see Part 6.1.6);
- iv. Any numeric control values (benchmarks, effluent limitations guidelines, or other requirements) applicable to discharges from each outfall; and
- v. Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data.

For each type of inspection performed, your SWPPP shall identify:

- i. Person(s) or positions of person(s) responsible for inspection;
- ii. Schedules for conducting inspections; and
- iii. Specific items to be covered by the inspection, including schedules for specific outfalls.

You shall document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part IV.E.2 or your benchmark monitoring requirements in Part V:

- i. Location of each of the substantially identical outfalls;
- ii. Description of the general industrial activities conducted in the drainage area of each outfall;
- iii. Description of the control measures implemented in the drainage area of each outfall;
- iv. Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- v. An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- vi. Why the outfalls are expected to discharge substantially identical effluents.

6. *Documentation Requirements* - You are required to keep inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- i. A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- ii. Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to surface waters of the State, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part IV.C.4);
- iii. Records of employee training, including date training received (see Part IV.C.9);
- iv. Documentation of maintenance and repairs of control measures, including the date(s) of regular

maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part IV.C.3);

v. All inspection reports, including the Routine Facility Inspection Reports (see Part IV.E.1) and the Quarterly Visual Assessment Reports (see Part IV.E.2);

vi. Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes and/or from a 72-hour (3 day) storm interval) (see Parts IV.E.2.a, Part V.B.4 & 7);

vii. Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;

viii. Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part V.B.7; and

ix. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part V.B.7).

## **K. Sector T - Treatment Works**

You shall comply with the following sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Part VI. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

### **1. Limitations on Coverage**

Except for process discharges covered under Part I and other allowable discharges listed in Part IV.C.10, the following stormwater discharges associated with industrial activity are not authorized by this permit:

a. Prohibition of Non-Stormwater Discharges - Sanitary and industrial wastewater and equipment and vehicle washwater are not authorized by this permit.

### **2. Additional Control Measures/Best Management Practices (BMPs)**

a. Control Measures (See also Part IV.C) - In addition to the other control measures, consider the following: routing contaminated stormwater to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

b. Employee Training (See also Part IV.C.9) - At a minimum, training shall address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

### 3. Additional SWPPP Requirements

a. Drainage Area Site Map (See also Part IV.J.2.) - Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

b. Potential Pollutant Sources (See also Part IV.J.3.) - Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

c. Wastewater and Washwater Requirements - Keep a copy of all your current NPDES permits issued for wastewater and industrial, vehicle and equipment washwater discharges or, if an NPDES permit has not yet been issued, a copy of the pending application(s) with your SWPPP. If the washwater is handled in another manner, the disposal method shall be described and all pertinent documentation shall be retained onsite.

4. Additional Inspection Requirements (See also Part IV.E.) - Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

## PART V. MONITORING AND REPORTING REQUIREMENTS

### A. Reporting Benchmark Monitoring Data to Ohio EPA

#### 1. Reporting Benchmark Monitoring Data to Ohio EPA - Reserved

2. Annual Report - You shall complete an annual report using the Annual Reporting Form provided by Ohio EPA at the following location:

<https://view.officeapps.live.com/op/view.aspx?src=https://epa.ohio.gov/static/Portals/35/permits/OHR000007/OHR000007-AR.docx&wdOrigin=BROWSELINK>

You are not required to submit your annual report to Ohio EPA unless specifically requested. The timeframe to complete the report is at the discretion of the permittee but the same schedule to complete shall be maintained throughout this permit term. You shall keep the completed annual reports with your SWPPP.

### B. Stormwater Monitoring Requirements - Reserved (references to Part V.B do not apply)

## PART VI. DEFINITIONS AND ACRONYMS

Action Area - all areas to be affected directly or indirectly by the stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Best Management Practices (BMPs) - 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.

Co-located Industrial Activities - Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in the Industrial Multi-Sector General Permit OHR000007, Appendix D.

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.

Director - the Director of the Ohio Environmental Protection Agency (Ohio EPA).

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

Discharge of a pollutant - 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.

Discharge-related activities - activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Drought-stricken area - a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils.

U.S. EPA Approved or Established Total Maximum Daily Loads (TMDLs) - "U.S. EPA Approved TMDLs" are those that are developed by a State and approved by U.S. EPA. "U.S. EPA Established TMDLs" are those that are developed by U.S. EPA.

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

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

Federal Facility - any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to,

the federal government.

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 firefighting activities.

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") - A water is impaired for purposes of this permit if it has been identified by a State or U.S. EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Industrial Activity - the 10 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Stormwater - stormwater runoff from industrial activity.

Municipal Separate Storm Sewer - 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).

New Discharger - a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source - any building, structure, facility, or installation from which there is or may be a "discharge of pollutants", the construction of which commenced:

(i) after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or

(ii) after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

New Source Performance Standards (NSPS) - technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure - 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 - the Ohio Environmental Protection Agency.

Operator - any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

- (i) The entity has operational control over industrial activities, including the ability to modify those activities;
- (ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

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

Point source - 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 - 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.

Pollutant of concern - A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

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 - 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.

Reportable Quantity Release - 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.

Runoff coefficient - the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Run-On - sources of stormwater that drain from land located upslope or upstream from the regulated facility in question.

Semi-Arid Climate - areas where annual rainfall averages from 10 to 20 inches.

Significant materials - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; 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 such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 40 CFR 122.26(b)(12).

Special Aquatic Sites - sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

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

Stormwater Discharges Associated with Construction Activity - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Discharges Associated with Industrial Activity - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. 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. Industrial

facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14).

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.

Total Maximum Daily Loads (TMDLs) - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and shall include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Water Quality Impaired - See "Impaired Water".

Water Quality Standards - A water quality standard defines 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).

"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.

## 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)  
CWT - 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  
SWPPP - Stormwater Pollution Prevention Plan  
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

# National Pollutant Discharge Elimination System (NPDES) Permit Program

## FACT SHEET

Regarding an NPDES Permit to Discharge to Waters of the State of Ohio  
for the **Northeast Ohio Regional Sewer District (NEORS)D) Westerly Wastewater Treatment Center**

Public Notice No.: 206104  
Public Notice Date: September 13, 2024  
Comment Period Ends: October 13, 2024

Ohio EPA Permit No.: **3PE00001\*SD**  
Application No.: **OH0024660**

Name and Address of Applicant:

**Northeast Ohio Regional Sewer District  
3900 Euclid Avenue  
Cleveland, Ohio 44115**

Name and Address of Facility Where  
Discharge Occurs:

**Northeast Ohio Regional Sewer District  
Westerly Wastewater Treatment Center  
5800 West Memorial Shoreway  
Cleveland, Ohio 44102**

Receiving Water: **Lake Erie**

### INTRODUCTION

Development of a Fact Sheet for NPDES permits is mandated by Title 40 of the Code of Federal Regulations (CFR), Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Ohio Environmental Protection Agency (Ohio EPA), as well as the methods by which the public can participate in the process of finalizing those actions.

This Fact Sheet is prepared in order to document the technical basis and risk management decisions that are considered in the determination of water quality based NPDES Permit effluent limitations. The technical basis for the Fact Sheet may consist of evaluations of promulgated effluent guidelines, existing effluent quality, instream biological, chemical and physical conditions, and the relative risk of alternative effluent limitations. This Fact Sheet details the discretionary decision-making process empowered to the Director by the Clean Water Act (CWA) and Ohio Water Pollution Control Law (Ohio Revised Code [ORC] 6111). Decisions to award variances to Water Quality Standards (WQS) or promulgated effluent guidelines for economic or technological reasons will also be justified in the Fact Sheet where necessary.

Antidegradation provisions in Ohio Administrative Code (OAC) Chapter 3745-1 describe the conditions under which water quality may be lowered in surface waters. No antidegradation review was necessary.

Effluent limits based on available treatment technologies are required by Section 301(b) of the CWA. Many of these have already been established by the United States Environmental Protection Agency (U.S. EPA) in the effluent guideline regulations (a.k.a. categorical regulations) for industry categories in 40 CFR Parts 405-499. Technology-based regulations for publicly-owned treatment works are listed in the Secondary Treatment Regulations (40 CFR Part 133). If regulations have not been established for a category of dischargers, the director may establish technology-based limits based on best professional judgment (BPJ).

Ohio EPA reviews the need for water-quality-based limits on a pollutant-by-pollutant basis. Wasteload allocations (WLAs) are used to develop these limits based on the pollutants that have been detected in the discharge, and the receiving water's assimilative capacity. The assimilative capacity depends on the flow in the water receiving the discharge, and the concentration of the pollutant upstream. The greater the upstream flow,

and the lower the upstream concentration, the greater the assimilative capacity is. Assimilative capacity may represent dilution (as in allocations for metals), or it may also incorporate the break-down of pollutants in the receiving water (as in allocations for oxygen-demanding materials).

The need for water-quality-based limits is determined by comparing the WLA for a pollutant to a measure of the effluent quality. The measure of effluent quality is called Projected Effluent Quality (PEQ). This is a statistical measure of the average and maximum effluent values for a pollutant. As with any statistical method, the more data that exists for a given pollutant, the more likely that PEQ will match the actual observed data. If there is a small data set for a given pollutant, the highest measured value is multiplied by a statistical factor to obtain a PEQ; for example, if only one sample exists, the factor is 6.2, for two samples - 3.8, for three samples - 3.0. The factors continue to decline as samples sizes increase. These factors are intended to account for effluent variability, but if the pollutant concentrations are fairly constant, these factors may make PEQ appear larger than it would be shown to be if more sample results existed.

## **SUMMARY OF PERMIT CONDITIONS**

The effluent limits and/or monitoring requirements proposed for all parameters are the same as in the current permit, except those listed below.

The wasteload allocation placed mercury in Group 5. The data indicates that the parameter has the reasonable potential to exceed WQS and, therefore, limits are necessary. The existing effluent limitation is proposed to be decreased in accordance with the data presented as part of the facility's mercury variance renewal request.

Based on a review of the Whole Effluent Toxicity (WET) data, new effluent limits and an associated 36-month compliance schedule are recommended for the fathead minnow (*Pimephales promelas*). The monitoring frequency has been increased to 2/year.

Monitoring requirements have been removed for selenium based on the reasonable potential analysis.

Construction of a Chemically-Enhanced High Rate Treatment system (CEHRT) is ongoing. Upon completion of the CEHRT, new effluent limits are proposed to be applied at Outfall 3PE00001002 for flows at or below 411 MGD. Effluent limits are proposed to not apply to CEHRT events with flows above 411 MGD, therefore new "fictitious" station 3PE00001093 is proposed for reporting such events. Additionally, new station 3PE00001603 is proposed for reporting untreated discharges diverted from CEHRT.

Compliance schedules are proposed for permittee to 1) submit a technical justification for local industrial user limits for several pollutants, including total phosphorus, and 2) continue to implement treatment and/or control strategies aimed at reducing the discharge of phosphorus.

In Part II of the permit, special conditions are included that address sanitary sewer overflow (SSO) reporting; operator certification; minimum staffing and operator of record; whole effluent toxicity (WET) testing; mercury variance; pretreatment program requirements; and outfall signage.

This permit renewal is proposed for a term of approximately 5 years.

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## PROCEDURES FOR PARTICIPATION IN THE FORMULATION OF FINAL DETERMINATIONS

The draft action shall be issued as a final action unless the Director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Within thirty days of the date of the Public Notice, any person may request or petition for a public meeting for presentation of evidence, statements or opinions. The purpose of the public meeting is to obtain additional evidence. Statements concerning the issues raised by the party requesting the meeting are invited. Evidence may be presented by the applicant, the state, and other parties, and following presentation of such evidence other interested persons may present testimony of facts or statements of opinion.

Requests for public meetings shall be in writing and shall state the action of the Director objected to, the questions to be considered, and the reasons the action is contested. Such requests should be emailed to [HClerk@epa.ohio.gov](mailto:HClerk@epa.ohio.gov) or mailed to:

**Legal Records Section  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted by email to [epa.dswcomments@epa.ohio.gov](mailto:epa.dswcomments@epa.ohio.gov) (preferred method) or delivered in person or by mail no later than 30 days after the date of this Public Notice. Deliver or mail all comments to:

**Ohio Environmental Protection Agency  
Attention: Division of Surface Water  
Permits Processing Unit  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

The Ohio EPA permit number and Public Notice numbers should appear on each page of any submitted comments. All comments received no later than 30 days after the date of the Public Notice will be considered.

Citizens may conduct file reviews regarding specific companies or sites. Appointments are necessary to conduct file reviews, because requests to review files have increased dramatically in recent years. The first 250 pages copied are free. For requests to copy more than 250 pages, there is a five-cent charge for each page copied. Payment is required by check or money order, made payable to Treasurer State of Ohio.

For additional information about this fact sheet or the draft permit, contact Erm Gomes at (330) 963-1196, [Erm.Gomes@epa.ohio.gov](mailto:Erm.Gomes@epa.ohio.gov) or Joseph Trocchio at (330) 963-1193 or [Joseph.Trocchio@epa.ohio.gov](mailto:Joseph.Trocchio@epa.ohio.gov).

## INFORMATION REGARDING CERTAIN WATER QUALITY BASED EFFLUENT LIMITS

This draft permit may contain proposed water-quality-based effluent limits (WQBELs) for parameters that **are not** priority pollutants. (See the following link for a list of the priority pollutants: [https://epa.ohio.gov/static/Portals/35/pretreatment/Pretreatment\\_Program\\_Priority\\_Pollutant\\_Detection\\_Limits.pdf](https://epa.ohio.gov/static/Portals/35/pretreatment/Pretreatment_Program_Priority_Pollutant_Detection_Limits.pdf).) In accordance with ORC 6111.03(J)(3), the Director established these 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 data and information available at the time the permit was drafted, which included the contents of the timely submitted NPDES permit renewal application, along with any and all pertinent information available to the Director.

This public notice 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 the proposed final effluent limitations for these parameters. The permittee shall email to [epa.dswcomments@epa.ohio.gov](mailto:epa.dswcomments@epa.ohio.gov) (preferred method) or deliver or mail this information to:

**Ohio Environmental Protection Agency  
Attention: Division of Surface Water  
Permits Processing Unit  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

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 these limitations, a written request for any additional time shall be sent to the above address no later than 30 days after the Public Notice Date on Page 1.

Should the applicant determine that compliance with the proposed WQBELs for parameters other than the priority pollutants is technically and/or economically unattainable, the permittee may submit an application for a variance to the applicable WQS used to develop the proposed effluent limitation in accordance with the terms and conditions set forth in OAC 3745-33-07(D). The permittee shall submit this application to the above address no later than 30 days after the Public Notice Date.

Alternately, the applicant may propose the development of site-specific WQS pursuant to OAC 3745-1-39. The permittee shall submit written notification regarding their intent to develop site specific WQS for parameters that are not priority pollutants to the above address no later than 30 days after the Public Notice Date.

## LOCATION OF DISCHARGE/RECEIVING WATER USE CLASSIFICATION

The NEORSD Westerly WWTC discharges to Lake Erie via submerged Outfall 3PE00001001, over 4,600 feet north of Lake Mile 1188.9 (41.50833 N, 81.72667 W).

This segment of Lake Erie is described by Ohio EPA River Code: 24-600, Lake Erie Assessment Unit 24001002-02-03, County: Cuyahoga, and Ecoregion: Eastern Great Lakes and Hudson Lowlands. Lake Erie is designated for the following uses under Ohio's Water Quality Standards (OAC 3745-1-31): Exceptional Warmwater Habitat (EWH), Superior High Quality Water, Agricultural Water Supply (AWS), Industrial Water Supply (IWS), Public Water Supply (PWS), and Bathing Waters (BW).

Use designations define the goals and expectations of a waterbody. These goals are set for aquatic life protection, recreation use and water supply use, and are defined in the Ohio WQS (OAC 3745-1-07). The use designations for individual waterbodies are listed in rules -08 through -32 of the Ohio WQS. Once the goals are set, numeric water quality standards are developed to protect these uses. Different uses have different water quality criteria.

Use designations for aquatic life protection include habitats for coldwater fish and macroinvertebrates, warmwater aquatic life and waters with exceptional communities of warmwater organisms. These uses all meet the goals of the federal Clean Water Act. Ohio WQS also include aquatic life use designations for waterbodies which cannot meet the Clean Water Act goals because of human-caused conditions that cannot be remedied without causing fundamental changes to land use and widespread economic impact. The dredging and clearing of some small streams to support agricultural or urban drainage is the most common of these conditions. These streams are given Modified Warmwater or Limited Resource Water designations.

Recreation uses are defined by the depth of the waterbody and the potential for wading or swimming. Uses are defined for bathing waters, swimming/canoeing (Primary Contact) and wading only (Secondary Contact - generally waters too shallow for swimming or canoeing).

Water supply uses are defined by the actual or potential use of the waterbody. Public Water Supply designations apply near existing water intakes so that waters are safe to drink with standard treatment. Most other waters are designated for agricultural and industrial water supply.

## FACILITY DESCRIPTION

The Northeast Ohio Regional Sewer District's service area includes the City of Cleveland and all or part of 61 suburban municipalities in Cuyahoga and Summit counties. Three wastewater treatment plants (Easterly and Westerly in Cleveland, and Southerly in Cuyahoga Heights), and associated interceptor sewers, serve more than one million residents in these areas (See Figure 1). The approximate location of the NEORSD Westerly WWTC is shown in Figure 2.

The NEORSD Westerly WWTC serves a population of approximately 103,000 on the west side of Cleveland. The collection system is comprised of both separate sanitary sewers (approx. 17.7 %) and combined sewers (approx. 83.3%). NEORSD is responsible for operation and maintenance of the interceptor sewers and associated equipment tributary to the Westerly WWTC. Local sewers that discharge into the interceptors are owned and maintained by the respective local municipalities. Combined sewer overflows (CSOs) within the NEORSD service areas are presently contained in NPDES Permit No. OH0043991 (Ohio EPA Permit No. 3PA00002). The 14-acre facility provides treatment to an average design flow of 35 MGD and has a peak

secondary treatment capacity of 100 MGD. The limiting factor on secondary treatment is solids washout occurring at the secondary clarifiers.

The treatment processes include the following operations:

- Screening
- Grit Removal
- Primary Settling
- Trickling Filter/Solids Contact Secondary Biological Treatment
- Phosphorus Removal (Ferric Chloride Addition)
- Final Settling
- Chlorination and Dechlorination
- Sodium Hydroxide Addition for Effluent pH Adjustment (If Necessary).
- Submerged Outfall Diffuser

The facility also has an internal bypass of primary treatment effluent around the secondary system, monitored as Station 3PE00001602. Flows bypassed through this station recombines with secondary effluent prior to disinfection. Station 602 is an internal bypass of primary treatment effluent around the secondary system.

Table 1 lists the quantity of sewage sludge removed from the facility for the past 4 years. Waste sludge from the facility is gravity-thickened, mechanically dewatered utilizing centrifuges, and hauled to a landfill or another NPDES-permit holder for disposal or further treatment. Collected grease is currently hauled to the NEORSD Southerly WWTC.

The primary water supply source for the area is Lake Erie.

NEORSD currently implements an Ohio EPA-approved industrial pretreatment program. Based on information in the NPDES renewal application, there are 26 categorical and 5 non-categorical significant industrial users presently discharging to the NEORSD Westerly WWTC. The total industrial flow is approximately 0.99 MGD.

NEORSD is currently implementing an approved Long-Term Control Plan (LTCP) as required under the Consent Decree No. 1:10 CV2895-DCN, initially lodged in U.S. District Court for Northern District of Ohio on July 7, 2011. The Consent Decree, and subsequent amendments, contain a long-term schedule to control discharges of untreated sewage during wet weather events from the respective NEORSD treatment plants and CSOs. Under Control Measure 3-2 (CM3-2) of the Second Amendment to the Consent Decree (March 16, 2021), the existing Combined Sewer Overflow Treatment Facility (CSOTF) will be converted to a Chemically Enhanced High Rate Treatment (CEHRT) system. Flows exceeding the capacity of the collection system and/or the Westerly WWTP will receive treatment at the new 411 MGD CEHRT system and ultimately discharged via Outfall 3PE00001002. Per CM3-2, NEORSD is required to achieve the following level of control: 11 CEHRT-treated and 3 untreated (or 3 partially CEHRT-treated) in a typical year.

The 1994 *Combined Sewer Overflow Control Policy* includes provisions for partial treatment of wet weather discharges from combined sewer systems. To be considered treated, a minimum treatment threshold of solids and floatables control, primary clarification, and disinfection (when required) must be provided. The CEHRT, with a minimum volumetric capacity of 10.5 million gallons, will combine Chemically Enhanced Primary Treatment (CEPT) and High Rate Disinfection (HRD) to provide this minimum treatment. The CEPT will utilize coagulant and a polymer to increase settling and the HRD will utilize chemical chlorination & dechlorination (or suitable equivalent) to disinfect discharges during the recreation season.

Construction of the CEHRT system is currently ongoing; in anticipation of the process conversion, CSOTF was taken off-line on August 3, 2023. The Achievement of Full Operation (AFO) is to be met within 78 months of entry of the Second Amendment (September 2027). Until the CEHRT is operational, Outfall 3PE00001002 is proposed to be monitored as an untreated wet weather overflow. Upon completion of the CEHRT, effluent limits consistent with the Performance Criteria in the Consent Decree are proposed to be implemented through Outfall 3PE00001002 and applicable only to those events with flow rates at or below the design capacity of the CEHRT (411 MGD). When wet weather flows exceed the design capacity the CEHRT, the limits no longer apply; such events are to be reported under new “fictitious” monitoring station 3PE00001093, though the permittee is expected to provide the best treatment possible to flows that exceed the design capacity of the system. Additionally, the CEHRT is expected to be constructed with a channel that diverts excess flows from the CEHRT, to be left untreated, mixed with CEHRT effluent, and discharged to Lake Erie; such events are to be reported under new monitoring station 3PE00001603.

## **DESCRIPTION OF EXISTING DISCHARGE**

The annual effluent flow rate for NEORSD Westerly WWTC for the previous five years is presented in Table 2.

NEORSD Westerly WWTC reports separate sanitary sewers overflows (SSOs) in the NEORSD-owned collection system at Station 3PE00001300. No SSOs were reported in the previous five years.

NEORSD Westerly WWTC reports wet weather overflows via Outfall 3PE00001002. The number of reported events (by year) is presented in Table 3. No bypass discharges were reported via Station 3PE00001602 in the previous five years.

The annual phosphorus discharges from Outfall 3PE00001001 are listed in Table 4.

Table 5 presents chemical specific data compiled from data reported in annual pretreatment reports. Under the provisions of 40 CFR 122.21(j), the Director has waived the requirement for submittal of expanded effluent testing data as part of the NPDES renewal application. Ohio EPA has access to substantially identical information through the submission of annual pretreatment program reports and/or from Ohio EPA effluent testing conducted.

Table 6 presents a summary of unaltered self-monitoring data from submitted Discharge Monitoring Reports (DMRs). Data are presented for the period May 2019 - April 2024; the current permit limits are provided for comparison.

Table 7 summarizes the chemical specific data for Outfall 3PE00001001 by presenting the average and maximum PEQ values.

Table 8 summarizes the results of acute and chronic Whole Effluent Toxicity (WET) tests of the final effluent using the water flea (*Ceriodaphnia dubia*) and fathead minnow (*Pimephales promelas*) as the test organisms.

## **ASSESSMENT OF IMPACT ON RECEIVING WATERS**

NEORSD Westerly WWTC discharges to the Lake Erie Central Basin Shoreline Assessment Unit (LEAU) 041202000-02-03. The *Ohio 2024 Integrated Water Quality Monitoring and Assessment Report* (“Integrated Report”) currently lists the Lake Erie Central Basin Shoreline as impaired for the aquatic life, recreation, and

human health beneficial use designations. Causes of impairment are attributed to bacteria (i.e. *Escherichia coli*), polychlorinated biphenyls (PCBs) in fish tissue, non-native fish/shellfish/zooplankton, nutrients, and siltation.

Ohio’s assessment and impairment designation for Lake Erie has been the focus of considerable discussion between Ohio EPA, U.S. EPA, and local stakeholders. Monitoring to develop a comprehensive Lake Erie nearshore monitoring program was initially funded by a Great Lakes Restoration Initiative grant conducted from 2011-2013. Those strategies continue to be developed.

The full Integrated Report is available through the Ohio EPA, Division of Surface Water website at: <https://epa.ohio.gov/divisions-and-offices/surface-water/reports-data/ohio-integrated-water-quality-monitoring-and-assessment-report>

**DEVELOPMENT OF WATER-QUALITY-BASED EFFLUENT LIMITS**

Determining appropriate effluent concentrations is a multiple-step process in which parameters are identified as likely to be discharged by a facility, evaluated with respect to Ohio water quality criteria, and examined to determine the likelihood that the existing effluent could violate the calculated limits.

**Parameter Selection**

Effluent data for the NEORSD Westerly WWTC were used to determine what parameters should undergo wasteload allocation. The parameters discharged are identified by the data available to the Ohio EPA - Discharge Monitoring Report (DMR) data submitted by the permittee, compliance sampling data collected by Ohio EPA, and any other data submitted by the permittee, such as priority pollutant scans required by the NPDES application or by pretreatment, or other special conditions in the NPDES permit.

The sources of effluent data used in this evaluation are as follows:

Self-monitoring Data (DMR)	May 2019 - April 2024
Pretreatment Program Data	2019 - 2023

**Statistical Outliers and Other Non-representative Data**

The data was examined, and the following values were removed from the evaluation as non-representative data:

Parameter	Date	Value	Units	Comment
Total Chromium	1/21/2020	92.6	µg/L	Unrepresentative high value (greater than 10 times PEQavg.)

This data is evaluated statistically, and Projected Effluent Quality (PEQ) values are calculated for each pollutant. Average PEQ (PEQavg) values represent the 95th percentile of monthly average data, and maximum PEQ (PEQmax) values represent the 95th percentile of all data points. The PEQavg and PEQmax values are presented in Table 7.

The PEQ values are used according to Ohio rules to compare to applicable water quality standards (WQS) and allowable wasteload allocation (WLA) values for each pollutant evaluated. Initially, PEQ values are compared to the applicable average and maximum WQS. If both PEQ values are less than 25 percent of the applicable WQS, the pollutant does not have the reasonable potential to cause or contribute to exceedances of WQS, and no wasteload allocation is done for that parameter. If either PEQavg or PEQmax is greater than 25 percent of the applicable WQS, a wasteload allocation is conducted to determine whether the parameter exhibits reasonable potential and needs to have a limit or if monitoring is required (see Table 9).

For more information on PEQ calculations, see Modeling Guidance #1 at the following webpage:

## **Wasteload Allocation**

For those parameters that require a wasteload allocation, the results are based on the uses assigned to the receiving waterbody in OAC 3745-1. Dischargers are allocated pollutant loadings/concentrations based on the Ohio Water Quality Standards (OAC 3745-1). Most pollutants are allocated by a mass-balance method because they do not degrade in the receiving water. By rule, mixing zones are not authorized for pollutants, such as mercury, that have been designated as bioaccumulative chemicals of concern (BCCs). For BCCs, the WLA is set equal to the respective WQS value.

WLAs for direct discharges to lakes, e.g. Lake Erie, are done using the following equation for average criteria:  $WLA = (11 \times \text{Water Quality Criteria}) - (10 \times \text{Background Concentration})$ . Allocations for maximum criteria are set equal to the Inside Mixing Zone Maximum (IMZM) values. Except for BCCs, the values for the Outside Mixing Zone Maximum (OMZM) are left blank in Table 11 to indicate that any limits based upon a maximum WLA are actually represented by the Inside Mixing Zone Maximum criteria. Allocations cannot exceed the Inside Mixing Zone Maximum criteria. The data used in the WLA are listed in Table 9 and Table 10. The wasteload allocation results to maintain all applicable criteria are presented in Table 11.

## **Whole Effluent Toxicity WLA**

Whole effluent toxicity (WET) is the total toxic effect of an effluent on aquatic life measured directly with a toxicity test. Acute WET measures short term effects of the effluent while chronic WET measures longer term and potentially more subtle effects of the effluent. Numeric WQS for WET are listed in the Ohio WQS [OAC 3745-1-44]. This rule lists numeric values of 0.3 TUa and 1.0 TUC. WLAs are calculated using these criteria.

There are two separate reasonable potential procedures in Ohio - one for the Lake Erie watershed and one for the Ohio River watershed. Dischargers in the Ohio River watershed are assessed using OAC 3745-33-07(B). Dischargers in the Lake Erie watershed are assessed in accordance with the “Great Lakes Water Quality Initiative Implementation Procedures” contained in 40 CFR Part 132, Appendix F, Procedure 6.

The WLA calculations for WET are similar to those for aquatic life criteria - using the chronic toxicity unit (TUC) and 7Q10 flow for the average and the acute toxicity unit (TUa) and 1Q10 flow for the maximum. WET WLAs are based on meeting the values of 0.3 TUa and 1.0 TUC downstream of the discharge, and include any available dilution. These values are the levels of effluent toxicity that should not cause instream toxicity during critical low-flow conditions. WLAs for acute toxicity are capped at 1.0 TUa unless the discharger demonstrates that an Area-of-Initial-Mixing (AIM) exists under OAC 3745-1-06, or that one of the factors in OAC 3745-33-07(B)(5)-(9) allows a higher TUa limit to be granted. For the purposes of establishing WET limitations, the values of 1.0 TUa and 1.0 TUC are the most restrictive limitations that can be applied in NPDES permits [OAC 3745-33-07(B)(10)].

For the NEORSD Westerly WWTC, the wasteload allocation values are 1.0 TUa and 11.0 TUC.

The chronic toxicity unit (TUC) is defined as 100 divided by the estimate of the effluent concentration which causes a 25% reduction in growth or reproduction of test organisms (IC25):

$$TUC = 100/IC25$$

This equation applies outside the mixing zone for warmwater, modified warmwater, exceptional warmwater, coldwater, and seasonal salmonid use designations except when the following equation is more restrictive (Ceriodaphnia dubia only):

$TU_c = 100 / \text{geometric mean of No Observed Effect Concentration and Lowest Observed Effect Concentration}$

The acute toxicity unit (TU<sub>a</sub>) is defined as 100 divided by the concentration in water having 50% chance of causing death to aquatic life (LC<sub>50</sub>) for the most sensitive test species:

$$TU_a = 100 / LC_{50}$$

This equation applies outside the mixing zone for all designated waters.

## **REASONABLE POTENTIAL/ EFFLUENT LIMITS/HAZARD MANAGEMENT DECISIONS**

After appropriate effluent limits are calculated, the reasonable potential of the discharger to violate the water quality standards must be determined. Each parameter is examined and placed in a defined "group". Parameters that do not have a water quality standard or do not require a wasteload allocation based on the initial screening are assigned to either group 1 or 2. For the allocated parameters, the preliminary effluent limits (PEL) based on the most restrictive average and maximum wasteload allocations are selected from Table 11. The average PEL (PEL<sub>avg</sub>) is compared to the average PEQ (PEQ<sub>avg</sub>) from Table 7 and the PEL<sub>max</sub> is compared to the PEQ<sub>max</sub>. Based on the calculated percentage of the allocated value  $[(PEQ_{avg} \div PEL_{avg}) \times 100, \text{ or } (PEQ_{max} \div PEL_{max}) \times 100]$ , the parameters are assigned to group 3, 4, or 5. The groupings are listed in Table 12.

The final effluent limits are determined by evaluating the groupings in conjunction with other applicable rules and regulations. Table 13 presents the final effluent limits and monitoring requirements proposed for the NEORSD Westerly WWTC Outfall 3PE00001001. Unless otherwise indicated, the monitoring frequencies proposed in the permit for Outfall 3PE00001001 are continued from the existing permit. In addition, Table 14 lists the monitoring requirements associated with the CEHRT system. Additional information on permit guidance is available at the following webpage:

[https://epa.ohio.gov/static/Portals/35/guidance/npdes\\_permit\\_guidance%201.pdf](https://epa.ohio.gov/static/Portals/35/guidance/npdes_permit_guidance%201.pdf)

### **3PE00001001**

#### **Flow Rate, Water Temperature, Ammonia, and Dissolved Oxygen**

Monitoring is proposed to continue for flow rate, water temperature, ammonia, and dissolved oxygen to assist in the evaluation of effluent quality and treatment plant performance.

#### ***Escherichia (E.) coli* and Oil & Grease**

Limits proposed for *E. coli* and oil and grease are based on Ohio water quality standards (OAC 3745-1-35 and 37). Bathing water *E. coli* recreational standards apply to Lake Erie.

#### **pH**

The maximum limit for pH is based on Ohio water quality standards (OAC 3745-1-35) and is a continuation of the existing limit. Based on best technical judgment, the limit proposed for minimum pH, 6.0 SU, is based on the results of a July 2011 mixing zone study conducted by NEORSD and reviewed by Ohio EPA. That study demonstrated that the proposed limit is protective of the minimum water quality standard of 6.5 SU.

#### **Total Suspended Solids (TSS), 5 Day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>)**

The limits for total suspended solids (TSS) and 5-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) have been continued from the existing permit. These limits are based on plant design criteria and are more stringent than the Secondary Treatment Standards in 40 CFR Part 133. These limits are protective of water quality.

### **Total Residual Chlorine**

The limit for total residual chlorine is proposed to continue from the existing permit as a plant design value and is necessary to protect the inside mixing zone maximum (IMZM) standard. The IMZM is the WQS value calculated to avoid rapidly lethal conditions in the effluent mixing zone. The effluent limit for chlorine at Outfall 3PE00001001 is less than the quantification level of 0.050 mg/L. However, a pollutant minimization program is not required because the dosing rate of dechlorination chemicals ensures that the water quality based effluent limit is being met. Monitoring is only required during periods of chlorine usage.

### **Phosphorus and Dissolved Orthophosphate (aka Dissolved Reactive Phosphorus)**

Total phosphorus is limited based on provisions of OAC 3745-33-06(C). Monitoring for both total phosphorus and dissolved orthophosphate (as P) and are required by ORC 6111.03. These limits are protective of water quality.

This monitoring is proposed to further develop nutrient datasets for dissolved orthophosphate and to assist in stream and watershed assessments and studies. Ohio EPA monitoring, as well as other in-stream monitoring, are generally performed via the collection of grab samples. Thus, orthophosphate is proposed to be collected by grab sample to maintain consistent data to support watershed and stream surveys. The grab sample must be filtered within 15 minutes of collection using a 0.45-micron filter. The filtered sample must be analyzed within 48 hours of sample collection.

### **Mercury**

The Ohio EPA risk assessment (Table 12) places mercury in Group 5. This placement, as well as the data in Table 6 and Table 7, indicates that the reasonable potential to exceed WQS exists and limits are necessary to protect water quality. For this parameter, the PEQ is greater than 100 percent of the WLA. Pollutants that meet this requirement must have permit limits under OAC 3745-33-07(A)(1).

The existing NPDES permit includes a variance-based limit of 2.87 ng/L for mercury. Based on available monitoring data and new application information, NEORS D has determined that the Westerly WWTP cannot meet the 30-day average permit limit of 1.3 ng/L. However, the effluent data shows that the Westerly WWTP can meet the mercury annual average value of 12 ng/L. NEORS D submitted information supporting the renewal of the variance. The Pollutant Minimization Program (PMP) schedule developed from the original variance continues to be implemented, and further reductions in mercury may be possible.

Ohio EPA has reviewed the mercury variance information and permittee's application and has determined that the requirements of the OAC are met. The permittee has also demonstrated to the satisfaction of Ohio EPA that there is no readily apparent means of complying with the WQBEL without constructing prohibitively expensive end-of-pipe controls for mercury. Based upon these demonstrations, NEORS D Westerly WWTP is eligible for renewal of the mercury variance under OAC 3745-1-38(H).

A condition in Part II of the NPDES permit lists the provisions of the mercury variance renewal, and includes the following requirements:

- A lower variance-based monthly average effluent limit of 2.6 ng/L, based on the review of the facility's monitoring data and NPDES renewal application;
- A requirement that the permittee make reasonable progress to meet the WQBEL for mercury by implementing the plan of study, which has been developed as part of the PMP;
- Low-level mercury monitoring of the plant's influent and effluent;
- A requirement that the annual average mercury effluent concentration is less than or equal to 12 ng/L as specified in the plan of study;

- A requirement to submit an annual report on implementation of the PMP; and
- A requirement for submittal of a certification stating that all permit conditions related to implementing the plan of study and the PMP have been satisfied, but that compliance with the monthly average WQBEL for mercury has not been achieved.

#### **Cadmium, Chromium, Hexavalent Chromium (Dissolved), Copper, Free Cyanide, Lead, Nickel, Total Filterable Residue, and Zinc**

The Ohio EPA risk assessment (Table 12) places these parameters in Groups 2 or 3. This placement, as well as the data in Tables 6 and 7, support that these parameters do not have the reasonable potential to contribute to WQS exceedances, and limits are not necessary to protect water quality. Continued monitoring is proposed to document that these pollutants continue to remain at low levels.

#### **Antimony, Arsenic, Beryllium, Chloroform, Dichlorobromomethane, Molybdenum, Phenol, Selenium, Silver, Thallium, and Toluene**

The Ohio EPA risk assessment (Table 12) places these parameters in Groups 2 or 3. This placement, as well as the data in Table 6 and Table 7, support that these parameters do not have the reasonable potential to contribute to WQS exceedances, and limits are not necessary to protect water quality. The existing selenium monitoring requirement is recommended to be removed. No new monitoring for these parameters is required. Data for future reasonable potential analyses will be available through the annual pretreatment testing requirements.

#### **Nitrate + Nitrite (as Nitrogen) and Total Kjeldahl Nitrogen (TKN)**

Municipal WWTPs discharge a nutrient load to the river, therefore monitoring for nitrate + nitrite and total Kjeldahl nitrogen is proposed based on best technical judgment. The purpose of the monitoring is to maintain a nutrient data set for use in the future studies. Nitrate + nitrite was evaluated using the WLA procedures and the current levels are protective of WQS.

#### **Whole Effluent Toxicity Reasonable Potential**

Evaluating the acute and chronic toxicity results for the test organisms in Table 8, and Attachment 1, under the provisions of 40 CFR Part 132, Appendix F, Procedure 6, gives a chronic PEQ of 12.88 TU<sub>c</sub> for *Pimephales (P.) promelas*. Reasonable potential for toxicity is demonstrated, since this value exceeds the WLA value 11.0 TU<sub>c</sub>. Consistent with Procedure 6 and OAC 3745-33-07(B), a monthly average limit of 11.0 TU<sub>c</sub> and a daily maximum limit of 1.0 TU<sub>a</sub> are proposed. Semi-annual chronic toxicity testing with the determination of acute endpoints is proposed. A compliance schedule to attain compliance with the new limits is included in Part I, C of the permit.

A review of the acute and chronic toxicity results for *Ceriodaphnia (C.) dubia* in Table 9 show that there were no detections of toxicity during this period. Under the provisions of 40 CFR Part 132, Appendix F, Procedure 6, no PEQ values can be calculated. Reasonable potential for toxicity is not demonstrated. While this indicates that the plant's effluent does not currently pose a toxicity problem, annual toxicity testing is proposed consistent with the minimum monitoring requirements at OAC 3754-33-07(B)(11). The proposed monitoring will adequately characterize toxicity in the plant's effluent.

#### **CEHRT Stations 3PE00001002 and 3PE00001093**

Currently, Outfall 3PE00001002 represents untreated discharges from the wet weather overflow at the Westerly WWTC. Construction of the CEHRT is ongoing and anticipated to be completed in September 2027. Until the CEHRT is online, monitoring is proposed for occurrence, volume, duration, TSS, CBOD<sub>5</sub>, and *E. coli*.

Upon completion of the CEHRT System, wet weather flows to Outfall 3PE00001002 and “fictitious” S tation 3PE00001093 will represent the same physical location for CEHRT effluent monitoring (prior to mixing with Station 3PE00001603). Outfall 3PE00001002 is used to report wet weather events in which the peak flow rate is within the design capacity of the treatment system (i.e. 411 MGD) and, therefore, effluent limits apply. Station 3PE00001093 is to be used when flows exceed 411 MGD. The monitoring requirements are proposed to be the same but effluent limits do not apply.

#### **CBOD5, Duration, Occurrence, and Volume**

Monitoring for these parameters is proposed to evaluate the performance of the CEHRT system.

#### **TSS**

The effluent limit is based on the Performance Criteria contained in the Consent Decree; the limit was developed to ensure water quality and designated uses are protected. The "Maximum" concentration limitation represents a calculated 7-activation event rolling average (i.e. the average of 7 consecutive CEHRT discharge events). The average of the rolling seven events would be reported as a Daily Maximum Concentration on the day of the seventh event. Results for each individual event must be maintained.

#### **Total Residual Chlorine**

The effluent limit proposed for total residual chlorine is necessary to protect the inside mixing zone maximum (IMZM) water quality standard.

#### ***E. coli***

The effluent limit is based on the Performance Criteria contained in the Consent Decree. The "Maximum" concentration limitation represents a calculated 7-activation event rolling geometric mean (i.e. the geomean of 7 consecutive CEHRT discharge events). The geomean of the rolling seven events would be reported as a Daily Maximum Concentration on the day of the seventh event. The bacteria count for each individual event must be maintained.

#### **Station 3PE00001603**

This station is to be used to report untreated wet weather discharges that are diverted around the CEHRT system. Monitoring for occurrence and volume is proposed.

#### **Additional Monitoring Requirements**

Additional monitoring requirements proposed at the final effluent, influent and upstream/downstream stations (where applicable) are included for all facilities in Ohio and vary according to the type and size of the discharge. In addition to permit compliance, this data is used to assist in the evaluation of effluent quality and treatment plant performance and for designing plant improvements and conducting future stream studies.

**3PE00001601** - Monitoring for selenium is proposed to be removed due to lack of reasonable potential to exceed the WLA at 3PE00001001.

**Sludge/Biosolids Monitoring** - Limits and monitoring requirements proposed for the treatment, reuse, and/or disposal of sewage sludge by the following management practices are based on OAC 3745-40: incineration (Station 3PE00001585); landfill disposal (Station 3PE00001586); hauling to another NPDES-permitted facility (Station 3PE00001588).

## OTHER REQUIREMENTS

### Compliance Schedule(s)

***Pretreatment Local Limits Review*** - A 12-month compliance schedule is proposed for NEORSD to submit a technical justification for either revising its local industrial user limits or retaining its existing local limits. If revisions to local limits are required, NEORSD must also submit a pretreatment program modification request.

In addition to the standard requirement to develop and submit a technical local limit justification report, the permittee shall also determine whether the development and implementation of local limits for total phosphorus will help the POTW achieve a monthly average effluent concentration target of 0.5 mg/L. This target is not an effluent limit but permittees should evaluate whether reductions in headworks loading would enable the facility to further reduce total phosphorus loading to the receiving stream and, ultimately, Lake Erie. Local limits for total phosphorus may not be appropriate in all cases and justification can be made for not instituting local limits. Examples include, but are not limited to, (1) if the permittee has maintained a monthly average effluent concentration at or below 0.5 mg/L for the previous 12 months or (2) if industrial loads are not a primary factor contributing to effluent concentrations above 0.5 mg/L. Justification for the permittee's determination must be submitted to Ohio EPA regardless of whether local limits are deemed appropriate or not. Details are in Part I, C. of the permit.

***New Limits for WET*** – A 36-month compliance schedule is proposed for the Westerly WWTC to meet the new whole effluent toxicity limits for *P. promelas*. Details are in Part I, C. of the permit.

***Phosphorus Optimization*** - A compliance schedule is proposed for the facility to continue to implement treatment and/or control strategies aimed at reducing the discharge of phosphorus. Additionally, an evaluation report must be completed and submitted as part of the next NPDES renewal application. Details are in Part I, C of the permit.

### Sanitary Sewer Overflow Reporting

Provisions for reporting SSOs are again proposed in this permit. These provisions include: the reporting of the system-wide number of SSO occurrences on monthly Discharge Monitoring Reports (DMRs); telephone notification of Ohio EPA and the local health department, and 5-day follow up written reports for certain high risk SSOs; and preparation of an annual report that is submitted to Ohio EPA and made available to the public. Many of these provisions were already required under the “Noncompliance Notification”, “Records Retention”, and “Facility Operation and Quality Control” general conditions in Part III of Ohio NPDES permits.

### Operator Certification and Operator of Record

Operator certification requirements have been included in Part II of the permit in accordance with OAC 3745-7-02. These rules require the NEORSD Westerly WWTC to have a Class IV wastewater treatment plant operator in charge of the sewage treatment plant operations discharging through Outfall 3PE00001001. These rules also require the permittee to designate one or more operator of record to oversee the technical operation of the “treatment works” and/or “sewerage system”.

### CSO Public Notification

The rule for Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin, i.e. 40 CFR 122.38, was finalized by U.S. EPA on December 17, 2017, published in the Federal Register on January 8, 2018, and became effective on Wednesday, February 7, 2018. This rule protects public health by ensuring timely notification to the public and to public health departments, public drinking water facilities, and other

potentially affected public entities. This rule applies to CSO dischargers within Ohio's Lake Erie Basin. NEORSD developed a CSO Public Notification Plan which was approved by Ohio EPA on October 19, 2018.

### **Method Detection Limit Reporting**

When submitting monitoring results in eDMR, the permittee must report all detected concentration values above the method detection limit (MDL), even if that value is below the quantification level. A detection above the MDL indicates the presence of a pollutant with strong confidence, which must be considered in reasonable potential analyses. Per OAC 3745-33-07(C)(2)(c), for the purpose of assessing compliance, any value reported below the quantification level shall be considered in compliance with an effluent limit.

### **Outfall Signage**

Part II of the permit includes requirements for the permittee to place a sign at each outfall to Lake Erie providing information about the discharge. Signage at outfalls is required pursuant to Ohio Administrative Code 3745-33-08(A). Signs are not required at in-plant sampling outfalls or at outfalls that are not accessible to the public by land or by recreational use of the water body, e.g. submerged off-shore outfalls.

### **Part III**

Part III of the permit details standard conditions that include monitoring, reporting requirements, compliance responsibilities, and general requirements.

### **Storm Water Compliance**

Parts IV, V, and VI have been included with the draft permit to ensure that any storm water flows from the facility site are properly regulated and managed. As an alternative to complying with Parts IV, V, and VI, the facility may seek permit coverage under the general permit for industrial storm water (Permit # OHR000007 or subsequent renewal) or submit a "No Exposure Certification." Parts IV, V, and VI will be removed from the final permit if: 1) the facility submits a Notice of Intent (NOI) for coverage under the general permit for industrial storm water or submits a No Exposure Certification, 2) Ohio EPA determines that the facility is eligible for coverage under the general permit or meets the requirements for a No Exposure Certification, and 3) the determination by Ohio EPA can be made prior to the issuance of the final permit.

Figure 1. NEORSD Service Areas

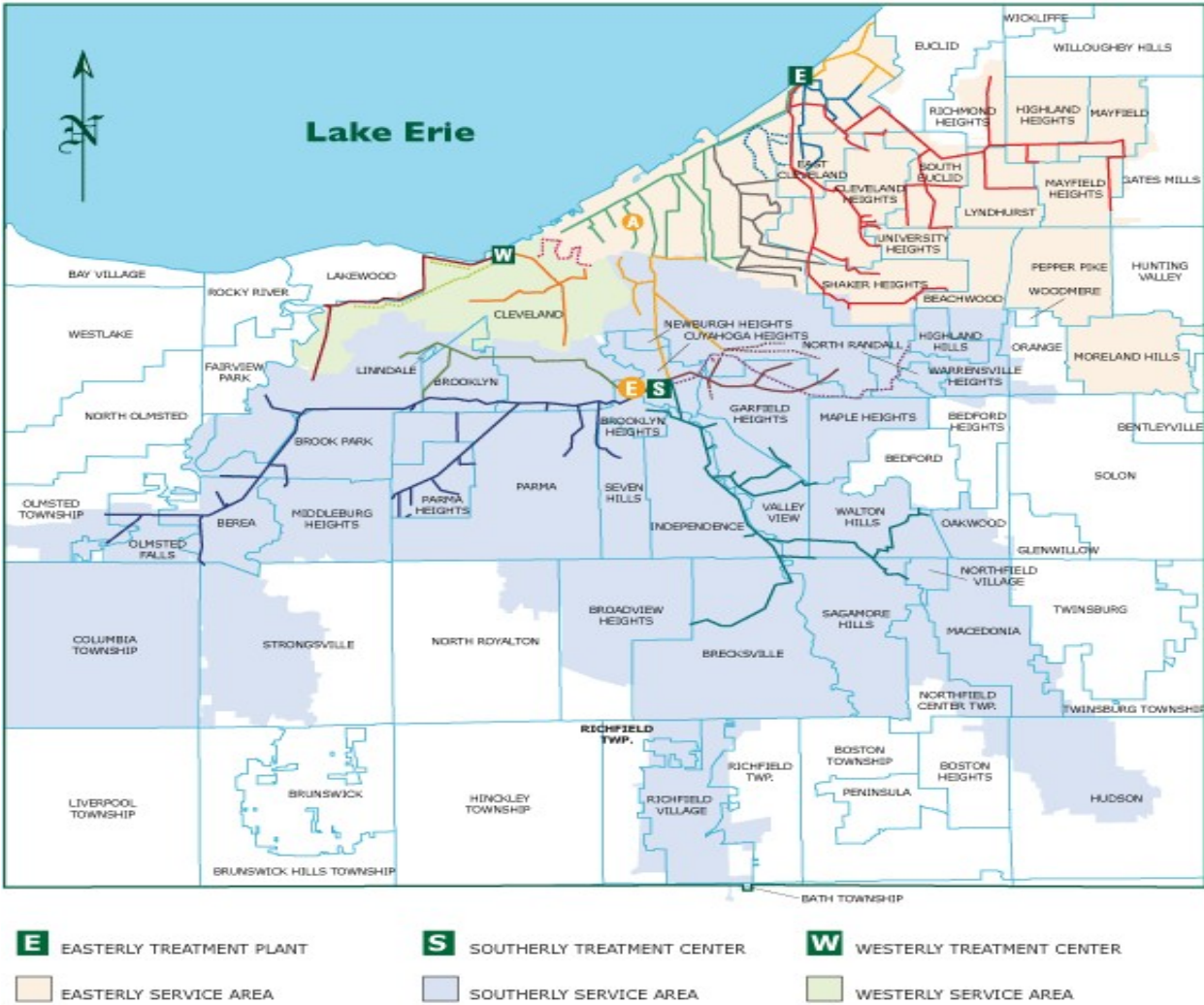


Figure 2. Location of the NEORSD Westerly WWTC

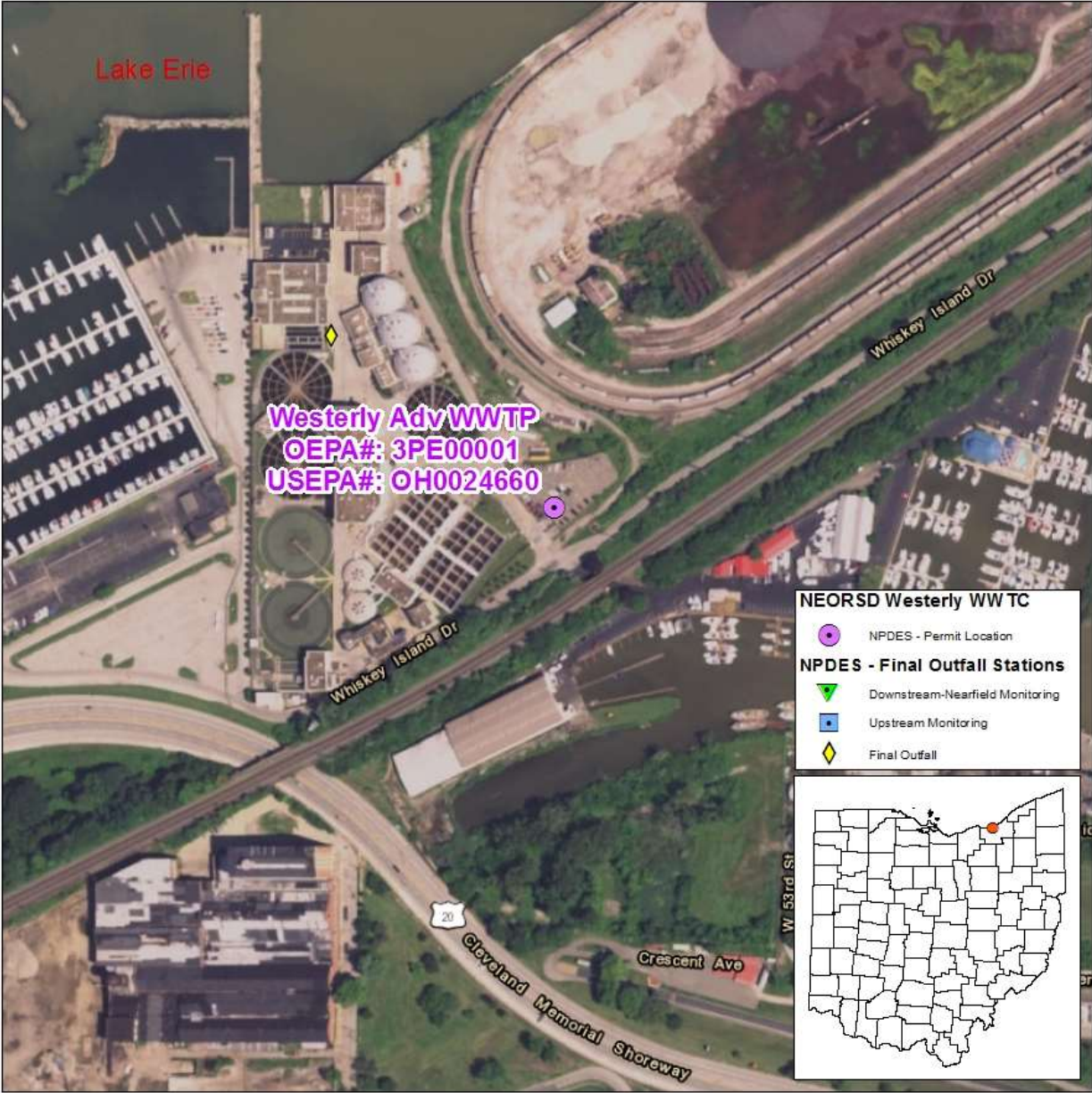


Figure 3. Diagram of Wastewater Treatment System

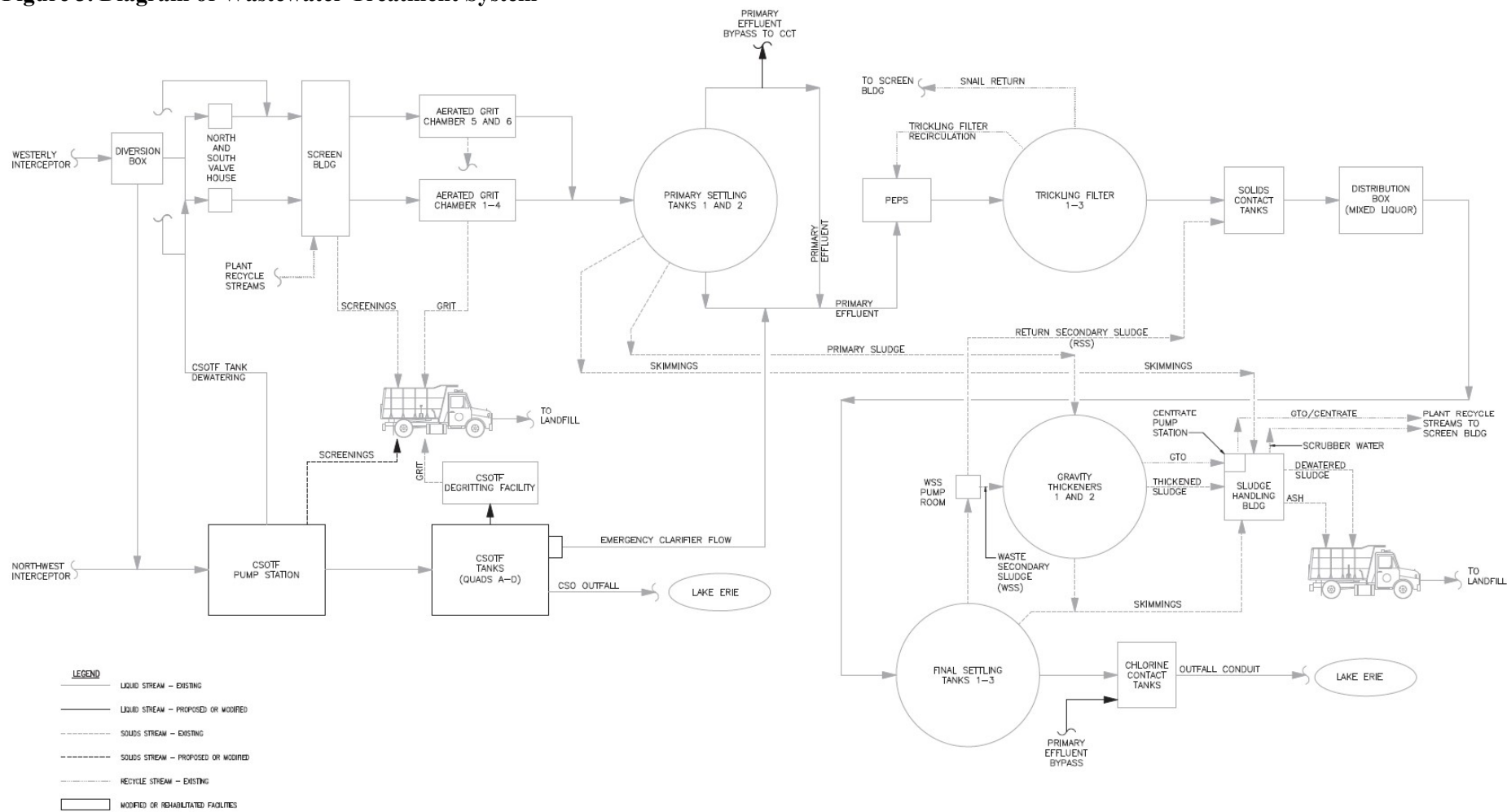
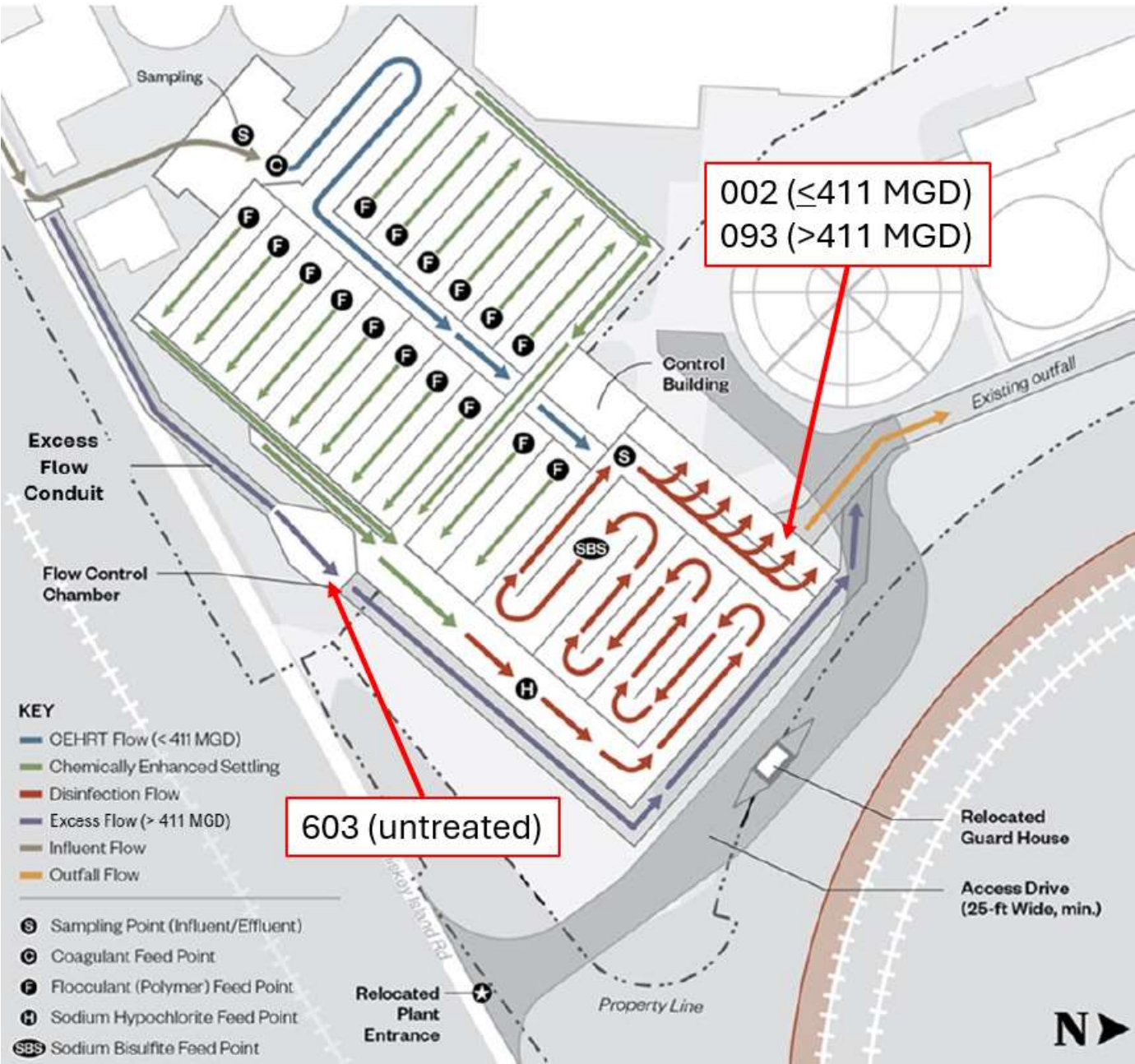


Figure 4. Diagram of Chemically-Enhanced High Rate Treatment System (CEHRT)



**Table 1. Sewage Sludge Removal (Stations 3PE00001585, 3PE00001586, and 3PE00001588)**

Year	Dry Tons per Year		
	3PE00001585	3PE00001586	3PE00001588
2019	4269.02	437.17	132.6
2020	4120.53	847.54	--
2021	601.21	2345.45	1713.68
2022	--	2777.01	1503.79
2023	--	1401.27	2967.39

**Table 2. Annual Effluent Flow Rates (May 2019 -April 2024)**

Year*	Annual Flow (Million Gallons/Day)			
	Average	Median	95th Percentile	Maximum
2019	24.33	19.30	49.90	69.20
2020	22.55	18.50	48.11	72.70
2021	19.38	15.11	41.78	77.29
2022	22.73	18.44	44.28	86.46
2023	26.23	21.82	55.91	80.33
2024	25.85	21.56	48.45	83.13

**Table 3. Wet Weather Overflows Reported at 3PE00001002 (May 2019 -April 2024)**

Year	No. of events	Annual Volume (Million Gallons)
2019	15	115.8
2020	27	758
2021	21	284.71
2022	27	336.6
2023	38	598.95
2024	10	44.19

**Table 4. Calculated Annual Total Phosphorus Loadings (May 2019 -April 2024)**

Year	Median Flow (MGD)	Median Phosphorus (mg/L)	Median Loading (kg/day)
2019	18.4	0.51	35.38
2020	18.5	0.46	31.86
2021	15.11	0.62	35.29
2022	18.44	0.74	51.79
2023	21.82	0.83	68.14
2024	21.56	0.76	62.22

**Table 5. Effluent Characterization Using Pretreatment Program Data**

<b>Parameter (µg/L)</b>	<b>8/21/2019</b>	<b>9/8/2020</b>	<b>9/7/2021</b>	<b>8/30/2022</b>	<b>9/17/2023</b>
Antimony	<14.53	<6.88	<7.60	<6.47	0.373
Arsenic	<2.87	<2.73	<4.00	<1.94	1.54
Beryllium	<1.88	<0.34	<0.31	<0.575	<0.0890
Cadmium	<1.3	<0.96	<0.629	<0.809	<0.106
Chloroform	0.9	1.2	0.75	1.8	<0.47
Chromium	<4.88	<3.17	<8.38	<10.4	<3.94
Copper	<12.87	<0.56	<24.3	<9.11	5.99
Dichlorobromomethane	0.18	<0.85	<0.23	<5.0	<0.38
Lead	<1.33	<1.49	<1.27	<2.19	0.241
Mercury (ng/L)	<22	1.52	1.39	<19.9	6.85
Molybdenum	5.395	6.28	7.34	<17.4	3.83
Nickel	18.8	24.8	31.6	8.49	19.5
Phenol	22.8	0.53	<0.39	14	<0.44
Selenium	<3.88	<8.46	<7.09	<5.41	<0.282
Silver	<1.95	<0.87	<1.17	<0.761	<0.103
Thallium	<2.8	<2.36	<2.09	<3.64	<1.92
Toluene	0.67	1.67	0.61	<5.0	<0.13
Zinc	9.165	17.5	11.5	26.6	7.49

**Table 6. Effluent Characterization Based on Outfall 3PE00001001 DMR Data (May 2019 - April 2024)**

Parameter	Unit	Current Limits		# Obs.	Percentiles		Data Range
		30 Day	Daily		50th	95th	
Water Temperature	°C	Monitor		1797	16.3	23.7	8 - 25.8
Dissolved Oxygen	mg/L	Monitor		1797	6	2.5*	.1 - 11.1
Total Suspended Solids	kg/day	2650	3974 <sup>w</sup>	1755	338	2050	60 - 24400
Total Suspended Solids	mg/L	20	30 <sup>w</sup>	1602	4.6	12.6	1.2 - 184
Oil and Grease	mg/L	--	10	118	< 2	3.16	0 - 13.8
Nitrogen, Ammonia	mg/L	Monitor		1599	6.77	10.6	.509 - 13.3
Nitrogen Kjeldahl, Total	mg/L	Monitor		241	7.95	12.1	1.56 - 13.5
Nitrite Plus Nitrate, Total	mg/L	Monitor		1352	1.64	3.92	.023 - 7.19
Phosphorus, Total	kg/day	132	199 <sup>w</sup>	1783	49.5	118	11.5 - 254
Phosphorus, Total	mg/L	1.0	1.5 <sup>w</sup>	1630	.642	1	.181 - 1.92
Orthophosphate, Dissolved	mg/L	Monitor		116	.388	.706	.072 - 1.96
Selenium, TR	µg/L	Monitor		115	.304	1.02	0 - 2.2
Nickel, TR	µg/L	Monitor		115	8.4	21.3	1.4 - 110
Zinc, TR	µg/L	Monitor		115	12.2	21.6	5.68 - 46.1
Cadmium, TR	µg/L	Monitor		115	< .106	.06	0 - .09
Lead, TR	µg/L	Monitor		115	.416	.893	.193 - 1.8
Chromium, TR	µg/L	Monitor		115	2.45	4.69	0 - 92.6
Copper, TR	µg/L	Monitor		115	5.27	8.18	2.28 - 13.2
Chromium, Dissolved Hexavalent	µg/L	Monitor		115	< 1.7	< 1.7	0 - 10.2
<i>E. coli</i>	#/100 mL	126	284 <sup>w</sup>	916	11	469	0 - 61300
Flow, Peak Rate	MGD	Monitor		4	29.3	47.8	21.5 - 50.6
Flow Rate	MGD	Monitor		1950	18.9	49.5	10 - 86.5
Chlorine, Total Residual	mg/L	--	0.038	979	< .005	.026	0 - .043
Mercury, Total	kg/day	0.00038	0.225	130	.0000684	.000191	0 - .000382
Mercury, Total	ng/L	2.87	1700	120	1.01	2.54	0 - 5.32
Cyanide, Free (Low-Level)	µg/L	Monitor		113	2.46	15	0 - 43.9
Acute Toxicity, <i>Ceriodaphnia dubia</i>	TUa	Monitor		5	--	--	< .2
Chronic Toxicity, <i>Ceriodaphnia dubia</i>	TUc	Monitor		5	--	--	< 1
Acute Toxicity, <i>Pimephales promelas</i>	TUa	Monitor		5	--	--	< .2
Chronic Toxicity, <i>Pimephales promelas</i>	TUc	Monitor		5	< 1	5.18	0 - 5.6
pH, Maximum	S.U.	--	9.0	1797	7.2	7.4	6.6 - 8.3
pH, Minimum	S.U.	--	6.0 <sup>m</sup>	1797	7	6.6*	6.2 - 7.7
Residue, Total Filterable	mg/L	Monitor		1062	612	966	236 - 2250
CBOD 5 day	kg/day	1987	2650 <sup>w</sup>	1412	395	1340	0 - 4320
CBOD 5 day	mg/L	15	20 <sup>w</sup>	1276	5.4	10	0 - 26

\* = For minimum pH, 5th percentile shown in place of 50th percentile.

\*\* = For dissolved oxygen, 5th percentile shown in place of 95th percentile.

<sup>a</sup> = weekly average.

<sup>m</sup> = minimum limit

**Table 7. Projected Effluent Quality for Outfall 3PE00001001 (May 2019 - April 2024)**

Parameter	Units	Number of Samples	Number > MDL	PEQ Average	PEQ Maximum
Antimony*	µg/L	5	1	0.63	0.86
Arsenic - TR*	µg/L	5	1	2.6	3.5
Beryllium*	µg/L	5	0	--	--
Cadmium - TR <sup>a</sup>	µg/L	121	16	0.04	0.07
Chlorine, Total Residual	mg/L	993	457	0.015	0.027
Chloroform *	µg/L	5	4	3	4.1
Chromium - TR <sup>a</sup>	µg/L	120	82	4.1	5.6
Hexavalent Chromium (Dissolved)	µg/L	117	5	1.6	2.2
Copper - TR <sup>a</sup>	µg/L	121	117	7	9.1
Cyanide - free	µg/L	115	113	10.061	15.474
Dichlorobromomethane*	µg/L	5	1	0.3	0.4
Lead - TR <sup>a</sup>	µg/L	121	117	0.7	1
Mercury <sup>a</sup>	ng/L	127	104	2.3	3.4
Molybdenum*	µg/L	5	4	12.3	16.9
Nickel - TR <sup>a</sup>	µg/L	121	121	18.4	26.8
Nitrate-N + Nitrite-N	mg/L	1374	1374	2.3	3.9
Phenol*	µg/L	5	3	38.3	52.4
Selenium - TR <sup>a</sup>	µg/L	122	66	0.8	1.3
Silver*	µg/L	5	0	--	--
Thallium*	µg/L	5	0	--	--
Toluene*	µg/L	5	3	2.8	3.8
Total Filterable Residue	mg/L	1084	1084	708.3	993.9
Zinc - TR <sup>a</sup>	µg/L	121	121	18.7	24.8

a = includes supplemental pretreatment program data

\* = Supplemental pretreatment program data

MDL = analytical method detection limit

PEQ = projected effluent quality

TR = total recoverable

**Table 8. Summary of Effluent Toxicity Results (May 2019 - April 2024)**

Date	<i>Ceriodaphnia Dubia</i>		<i>Pimephales promelas</i>	
	TU <sub>a</sub>	TU <sub>c</sub>	TU <sub>a</sub>	TU <sub>c</sub>
7/9/2019	AE	AE	AA (0.2)	3.5
7/30/2019	AA(0.2)	AA (1)	--	--
7/7/2020	AA 0.2)	AA (1)	AA (0.2)	AA (1)
7/7/2021	AA(0.2)	AA (1)	AA (0.2)	5.6
7/8/2022	AA (0.2)	AA (1)	AE	AE
7/25/2022	--	--	AA (0.2)	AA (1)
7/7/2023	AA (0.2)	AA (1)	AA (0.2)	AA (1)

AA = non-detection; analytical method detection limit of 0.2 TU<sub>a</sub>, 1.0 TU<sub>c</sub>

AE = analytical data not valid

TU<sub>a</sub> = acute toxicity unit;

TU<sub>c</sub> = chronic toxicity unit

**Table 9. Water Quality Criteria in the Study Area**

Parameter	Units	Outside Mixing Zone Criteria					Inside Mixing Zone Maximum
		Average				Maximum Aquatic Life	
		Wildlife	Human Health	Agri-culture	Aquatic Life		
Antimony	µg/L	--	780	--	190	900	1800
Arsenic - TR	µg/L	--	580	100	150	340	680
Beryllium	µg/L	--	130 <sup>c</sup>	100	14	120	250
Cadmium - TR	µg/L	--	730	50	2.8	5.5	11
Chlorine, Total Residual	mg/L	--	--	--	0.011	0.019	0.038
Chloroform	µg/L	--	1700 <sup>c</sup>	--	140	1300	2600
Chromium - TR	µg/L	--	14000	100	99	2100	4200
Hexavalent Chromium (Dissolved)	µg/L	--	14000	--	11	16	31
Copper - TR	µg/L	--	64000	500	11	16	33
Cyanide - free	µg/L	--	48000	--	5.2	22	44
Dichlorobromomethane	µg/L	--	180 <sup>c</sup>	--	340	3100	6200
Lead - TR	µg/L	--	--	100	8	150	310
Mercury	ng/L	1.3	3.1	10000	910	1700	3400
Molybdenum	µg/L	--	10000	--	20000	190000	370000
Nickel - TR	µg/L	--	43000	200	60	540	1100
Nitrate-N + Nitrite-N	mg/L	--	--	100	--	--	--
Phenol	µg/L	--	2400	--	400	4700	9400
Selenium - TR	µg/L	--	3100	50	5	62	120
Silver	µg/L	--	11000	--	1.3	2.2	4.3
Thallium	µg/L	--	--	--	17	79	160
Toluene	µg/L	--	51000	--	62	560	1100
Total Filterable Residue	mg/L	--	--	--	1500	--	--
Zinc - TR	µg/L	--	35000	25000	140	140	280

<sup>c</sup> = carcinogen

TR = total recoverable

**Table 10. Instream Conditions and Discharger Flow**

Parameter	Units	Season	Value	Basis
<i>Hardness, OMZ, IMZ</i>	mg/L	annual	119	n = 21: Lake Erie STORET Station 301255, 301256: 2011-2013
<i>NEORSWesterly WWTC flow</i>	cfs (mgd)	annual	54.15 (35.0)	NPDES Permit Application
<b><i>Background Water Quality</i></b>				
Antimony	µg/L	annual	0	No representative data available.
Arsenic - TR	µg/L	annual	0	300895; 2010-2013; n=10; 10<MDL
Beryllium	µg/L	annual		No representative data available.
Cadmium - TR	µg/L	annual	0	300895; 2010-2013; n=10; 10<MDL
Chlorine, Total Residual	mg/L	annual		No representative data available.
Chloroform	µg/L	annual	0	No representative data available.
Chromium - TR	µg/L	annual	0	300895; 2010-2013; n=10; 10<MDL
Hexavalent Chromium (Dissolved)	µg/L	annual	0	No representative data available.
Copper - TR	µg/L	annual	1	300895; 2010-2013; n=10; 8<MDL; Median
Cyanide - free	µg/L	annual	0	No representative data available.
Dichlorobromomethane	µg/L	annual	0	No representative data available.
Lead - TR	µg/L	annual	0	300895; 2010-2013; n=10; 10<MDL
Mercury	ng/L	annual	0	No representative data available.
Molybdenum	µg/L	annual	0	No representative data available.
Nickel - TR	µg/L	annual	1	300895; 2010-2013; n=10; 7<MDL; Median
Nitrate-N + Nitrite-N	mg/L	annual	0.38	300895; 2010-2023; n=58; 9<MDL; Median
Phenol	µg/L	annual	0	No representative data available.
Selenium - TR	µg/L	annual	0	300895; 2010-2013; n=10; 10<MDL
Silver	µg/L	annual	0	No representative data available.
Thallium	µg/L	annual	0	No representative data available.
Toluene	µg/L	annual	0	No representative data available.
Total Filterable Residue	mg/L	annual	166	300895; 2010-2023; n=59; 0<MDL; Median
Zinc - TR	µg/L	annual	0	300895; 2010-2013; n=10; 10<MDL

MDL = analytical method detection limit

n = number of samples

300895 = STORET Lake Erie Ambient Station - Rocky River

301255/301256 = STORET Lake Erie Ambient Stations – Fairport/Wildwood

STORET = United States Environmental Protection Agency Storage and Retrieval Data Warehouse

TR = total recoverable

**Table 11. Summary of Effluent Limits to Maintain Applicable Water Quality Criteria**

Parameter	Units	Outside Mixing Zone Criteria					Inside Mixing Zone Maximum
		Average				Maximum Aquatic Life	
		Wildlife	Human Health	Agri-culture	Aquatic Life		
Antimony	µg/L	--	8580	--	2090	--	1800
Arsenic - TR	µg/L	--	6380	1100	1650	--	680
Beryllium	µg/L	--	1430	1100	154	--	250
Cadmium - TR	µg/L	--	8030	550	31	--	11
Chlorine, Total Residual	mg/L	--	--	--	0.12	--	0.038
Chloroform	µg/L	--	18700	--	1540	--	2600
Chromium - TR	µg/L	--	154000	1100	1089	--	4200
Hexavalent Chromium (Dissolved)	µg/L	--	154000	--	121	--	31
Copper - TR	µg/L	--	703990	5490	111	--	33
Cyanide - free	µg/L	--	528000	--	57	--	44
Dichlorobromomethane	µg/L	--	1980	--	3740	--	6200
Lead - TR	µg/L	--	--	1100	88	--	310
Mercury	ng/L	1.3	3.1	10000	910	1700	--
Molybdenum	µg/L	--	110000	--	220000	--	370000
Nickel - TR	µg/L	--	472990	2190	650	--	1100
Nitrate-N + Nitrite-N	mg/L	--	--	1096	--	--	--
Phenol	µg/L	--	26400	--	4400	--	9400
Selenium - TR	µg/L	--	34100	550	55	--	120
Silver	µg/L	--	121000	--	14	--	4.3
Thallium	µg/L	--	--	--	187	--	160
Toluene	µg/L	--	561000	--	682	--	1100
Total Filterable Residue	mg/L	--	--	--	14840	--	--
Zinc - TR	µg/L	--	385000	275000	1540	--	280

TR = total recoverable

**Table 12. Parameter Assessment**

Group 1:	Due to a lack of numeric criteria, the following parameters could not be evaluated at this time.		
	No parameters placed in this group.		
Group 2:	PEQ < 25 percent of WQS or all data below minimum detection limit. WLA not required. No limit recommended; monitoring optional.		
	Antimony	Arsenic - TR	Beryllium
	Cadmium - TR	Chloroform	Chromium - TR
	Hexavalent Chromium (Dissolved)	Dichlorobromomethane	Lead - TR
	Molybdenum	Nitrate-N + Nitrite-N	Phenol (wwh,ewh,mwh)
	Selenium - TR	Silver	Thallium
	Toluene	Zinc - TR	
Group 3:	PEQmax < 50 percent of maximum PEL and PEQavg < 50 percent of average PEL. No limit recommended; monitoring optional.		
	Copper - TR	Cyanide - free	Total Filterable Residue
	Nickel - TR		
Group 4:	PEQmax >= 50 percent, but < 100 percent of the maximum PEL or PEQavg >= 50 percent, but < 100 percent of the average PEL. Monitoring is appropriate.		
	Chlorine, Total Residual		
Group 5:	Maximum PEQ >= 100 percent of the maximum PEL or average PEQ >= 100 percent of the average PEL, or either the average or maximum PEQ is between 75 and 100 percent of the PEL and certain conditions that increase the risk to the environment are present. Limit recommended.		
<b><u>Limits to Protect Numeric Water Quality Criteria</u></b>			
		<b><i>Recommended Effluent Limits</i></b>	
	<b><i>Parameter</i></b>	<b><i>Average</i></b>	<b><i>Maximum</i></b>
	Mercury	1.3	1700
	ng/L		

PEL = preliminary effluent limit  
 PEQ = projected effluent quality  
 TR = total recoverable  
 WLA = wasteload allocation  
 WQS = water quality standard

**Table 13. Final Effluent Limits and Monitoring Requirements for Outfall 3PE00001001**

Parameter	Units	Concentration		Loading (kg/day) <sup>a</sup>		Basis <sup>b</sup>
		Daily Maximum	30 Day Average	Daily Maximum	30 Day Average	
Water Temperature	°C	----- Monitor -----				M <sup>c</sup>
Dissolved Oxygen	mg/L	----- Monitor -----				M <sup>c</sup>
Total Suspended Solids	mg/L	30 <sup>d</sup>	20	3974 <sup>d</sup>	2650	PD
Oil & Grease	mg/L	10	--	--	--	WQS
Ammonia	mg/L	----- Monitor -----				M
Total Kjeldahl Nitrogen	mg/L	----- Monitor -----				M
Nitrate plus Nitrite	mg/L	----- Monitor -----				M
Phosphorus	mg/L	1.5 <sup>d</sup>	1.0	199 <sup>d</sup>	132	PTS
Orthophosphate	mg/L	----- Monitor -----				PMR
Nickel	µg/L	----- Monitor -----				M
Zinc	µg/L	----- Monitor -----				M
Cadmium	µg/L	----- Monitor -----				M
Lead	µg/L	----- Monitor -----				M
Chromium	µg/L	----- Monitor -----				M
Copper	µg/L	----- Monitor -----				M
Dissolved Hexavalent Chromium	µg/L	----- Monitor -----				M
<i>E. coli</i>	#/100 mL	284 <sup>d</sup>	126	--	--	WQS
Peak Flow Rate	MGD	----- Monitor -----				M <sup>c</sup>
Flow Rate	MGD	----- Monitor -----				M <sup>c</sup>
Chlorine	mg/L	0.038	--	--	--	PD/WLA
Mercury	ng/L	1700	2.6	0.23	0.00034	VAR
Free Cyanide	µg/L	----- Monitor -----				M
Acute Toxicity, <i>Ceriodaphnia dubia</i>	TUa	----- Monitor -----				WET1
Chronic Toxicity, <i>Ceriodaphnia dubia</i>	TUc	----- Monitor -----				WET1
Acute Toxicity, <sup>e</sup> <i>Pimephales promelas</i>	TUa	1.0	--	--	--	WET2
Chronic Toxicity, <sup>e</sup> <i>Pimephales promelas</i>	TUc	--	11.0	--	--	WET2
pH, maximum	SU	9.0	--	--	--	WQS
pH, minimum	SU	6.0 <sup>m</sup>	--	--	--	BTJ/WQS
Total Filterable Residue	mg/L	----- Monitor -----				M
CBOD5 (summer)	mg/L	20 <sup>d</sup>	15	2650 <sup>d</sup>	1987	PD

<sup>a</sup> Effluent loadings based on average design discharge flow of 35.0 MGD.

<sup>b</sup> **Definitions:** BTJ = Best Technical Judgement  
M = Division of Surface Water NPDES Permit Guidance 1: Monitoring frequency requirements for Sanitary Discharges  
PD = Plant Design (OAC 3745-33-05(E))  
PMR = Phosphorus monitoring requirements (ORC 6111.03)  
PTS = Phosphorus Treatment Standards (OAC 3745-33-06 (C))  
VAR = Mercury variance (OAC 3745-1-38(J))

WET1 = Testing requirements for whole effluent toxicity [OAC 3745-33-07(B)(11)]  
WET2 = Water quality-based effluent limits and monitoring requirements required for whole effluent toxicity in NPDES permits [40 CFR Part 132, Appendix F, Procedure 6 and OAC 3745-33-07(B)]  
WLA = Wasteload Allocation procedures (OAC 3745-2)  
WQS = Ohio Water Quality Standards (OAC 3745-1)

<sup>c</sup> Monitoring of flow and other indicator parameters is specified to assist in the evaluation of effluent quality and treatment plant performance.

<sup>d</sup> 7 day average limit.

<sup>e</sup> 36-month compliance schedule recommended.

**Table 14. Final Effluent Limits for CEHRT System (Station 3PE00001002)<sup>a,b</sup>**

Parameter	Units	Concentration		Loading (kg/day)		Basis <sup>b</sup>
		Daily Maximum	30 Day Average	Daily Maximum	30 Day Average	
pH	S.U.	----- Monitor -----				M
Total Suspended Solids	mg/L	40 <sup>c</sup>	--	--	--	PD
Ammonia	mg/L	----- Monitor -----				M
Phosphorus	mg/L	----- Monitor -----				M
<i>E. coli</i>	#/100 mL	284 <sup>d</sup>	--	--	--	PD
Flow Rate	MGD	----- Monitor -----				M
Chlorine	mg/L	0.038	--	--	--	PD
CBOD5	mg/L	----- Monitor -----				M
Duration of Discharge	Hours	----- Monitor -----				M

<sup>a</sup> Based on anticipated achievement of full operation (AFO) date of October 2027.

<sup>b</sup> The same monitoring requirements apply to “fictitious” station 3PE00001093 but limits do not apply

<sup>c</sup> The "Daily Maximum" concentration limit for total suspended solids represents a calculated 7- event rolling average

<sup>d</sup> The "Daily Maximum" concentration limit for *E. coli* represents a calculated 7- event rolling geomean

PD = Plant Design (OAC 3745-33-05(E))

M = Monitoring of flow and other indicator parameters is specified to assist in the evaluation of effluent quality and treatment plant performance.

**Attachment 1. Whole Effluent Toxicity Reasonable Potential Analysis**

	<b>Water Flea (<i>Ceriodaphnia dubia</i>)</b>		<b>Fathead Minnow (<i>Pimephales promelas</i>)</b>	
	<b>Acute</b>	<b>Chronic</b>	<b>Acute</b>	<b>Chronic</b>
WLA (TU)	1.0	11	1.0	11
Total # of Tests	5	5	5	5
Maximum Value (TU)	AA	AA	AA	5.6
Coefficient of Variation <sup>1</sup> [Where # tests < 10]	0.6	0.6	0.6	0.6
Multiplying Factors <sup>2</sup>	2.3	2.3	2.3	2.3
PEQ (Maximum Value x Multiplying Factor)	--	--	--	12.88
Reasonable Potential Demonstrated? (Yes/No) (Yes if PEQ > WLA)	No	No	No	Yes

<sup>1</sup> 40 CFR Part 132, Appendix F, Paragraph D(3)

<sup>2</sup> 40 CFR Part 132, Appendix F, Table F6-1

## Attachment 2. Acronyms

ABS	Anti-backsliding
BPJ	Best professional judgment
CFR	Code of Federal Regulations
CMOM	Capacity Management, Operation, and Maintenance
CONSWLA	Conservative substance wasteload allocation
CSO	Combined sewer overflow
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DMT	Dissolved metal translator
IMZM	Inside mixing zone maximum
LTCP	Long-term Control Plan
MDL	Analytical method detection limit
MGD	Million gallons per day
NPDES	National Pollutant Discharge Elimination System
OAC	Ohio Administrative Code
Ohio EPA	Ohio Environmental Protection Agency
OMZM	Outside mixing zone maximum
ORC	Ohio Revised Code
ORSANCO	Ohio River Valley Water Sanitation Commission
PEL	Preliminary effluent limit
PEQ	Projected effluent quality
PMP	Pollution Minimization Program
PPE	Plant performance evaluation
SSO	Sanitary sewer overflow
TMDL	Total Daily Maximum Load
TRE	Toxicity reduction evaluation
TU	Toxicity unit
U.S. EPA	United States Environmental Protection Agency
WET	Whole effluent toxicity
WLA	Wasteload allocation
WPCF	Water Pollution Control Facility
WQBEL	Water-quality-based effluent limit
WQS	Water Quality Standards
WWTC	Wastewater Treatment Plant