

Application No.: OHP000154
Ohio EPA Permit No.: 2DP00017*JP

Action Date: April 15, 2024
Effective Date: May 1, 2024
Expiration Date: April 30, 2029

**Ohio Environmental Protection Agency
Indirect Discharge Permit**

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 6111),

Danone US, LLC f/k/a/ The Dannon Company, Inc. ("Danone")

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge wastewater from its facility located at:

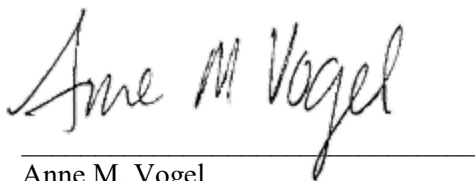
139 West First Street
Minster, OH 45865
Auglaize

into the Publicly Owned Treatment Works (POTW) of the Village of Minster located at 155 West First Street, Minster, OH 45865 in accordance with the conditions specified in Parts I, II, and III of this permit.

The permit is issued to apply and enforce pretreatment rules of the state of Ohio. The rights granted by this permit shall not supersede the primacy of the above authority in the regulation of its publicly owned treatment works.

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

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



Anne M. Vogel
Director

1. During the period beginning on the effective date of this permit 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: 2DP00017001.

Table - End of Pipe - 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			
00300 - Dissolved Oxygen - mg/l	-	3.0	-	-	-	-	-	1/Day	Grab	All
00400 - pH - S.U.	9.0	5.0	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	128.0	-	-	85.0	532.9	-	353.9	1/Day	24hr Composite	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	17.0	-	-	11.3	70.8	-	47.0	1/Day	24hr Composite	All
00665 - Phosphorus, Total (P) - mg/l	4.0	-	-	3.45	16.7	-	14.4	1/Day	24hr Composite	All
50050 - Flow Rate - MGD	1.10	-	-	1.10	-	-	-	1/Day	24hr Total	All
80082 - CBOD 5 day - mg/l	182.0	-	-	121.0	757.8	-	503.8	1/Day	24hr Composite	All
80991 - Sludge Volume, Gallons - Gals	-	-	-	-	-	-	-	When Disch.	Total Estimate	All

Footnotes for Outfall 2DP00017001:

- a. Samples shall be collected from the pretreatment plant drain sump attached to final clarifier.
- b. Limitations on flow are based on a capacity increase agreement reached between the Village of Minster and The Dannon Company on June 21, 2018.
- c. For the purposes of this permit, "80991 - Sludge Volume, Gallons" shall mean gallons of all sludge removed for further treatment off-site plus gallons of all wastewater generated and treated off-site that are not treated by The Dannon Company, Inc. pretreatment plant and sent to the Village of Minster POTW.
- d. For the purposes of this permit, "When Discharging" shall mean when wastewater or sludge is removed for treatment off-site.

Part II - OTHER REQUIREMENTS

A. Legal Authority

The permittee shall comply with all applicable rules, regulations, and ordinances of the Village of Minster. If the authority to discharge is revoked by the POTW, this shall also be considered grounds for revocation of this permit.

B. Reporting to the POTW

In addition to the report submitted to Ohio EPA under Part III, Item 3, of this permit, a copy of each discharge monitoring report shall be submitted to the POTW at the following address:

Village of Minster
Wastewater Treatment Plant
P.O. Box 1 5 W. Fourth St.
Minster, OH 45865

The Village of Minster may require these reports be submitted to a different location or a specified email address.

C. Reporting Slug Loads

Any slug loading shall be reported to the POTW at (419) 628 - 2850 pursuant to requirements in Part III, Item 5. Any accidental discharge of wastewater to the waters of the state, including treated and untreated process wastewater, shall be reported to Ohio EPA at 1-800-282-9378 within 24 hours of becoming aware of the discharge.

D. Operator Certification Requirements

A. Classification

- i. In accordance with Ohio Administrative Code 3745-7-04, the wastewater treatment works at this facility shall be classified as a Class II facility.
- ii. All wastewater collection systems that are tributary to this treatment works are Class II collection systems in accordance with paragraph (B)(1)(a) of rule 3745-7-04 of the Ohio Administrative Code.

B. Operator of Record

- i. The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and collection system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.
- ii. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works as defined in Part II, Item 4.A of this NPDES permit.

- iii. Within three days of a change in an 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 appropriate form can be found at the following website: <http://www.epa.ohio.gov/portals/28/Documents/opcert/Operator%20of%20Record%20Notification%20Form.pdf>
- iv. Within 60 days of the effective date of this permit, the permittee shall notify the Director of Ohio EPA of the operators of record on a form acceptable to Ohio EPA.
- v. The operator of record for a class II, III, or IV treatment works or class II collection system may be replaced by a backup operator with a certificate one classification lower than the treatment works or collection system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency. vi. Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the operator of record for a class II, III, or IV treatment works or class II collection system by a backup 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.

C. Minimum Staffing Requirements

- i. The permittee shall ensure that the treatment works 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.
- ii. Collection system Operators of Record are not required to meet minimum staffing requirements in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.
- iii. 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 (such as enforcement status, history of noncompliance, or provisions included in the plan) 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.

Part III - General Conditions

1. Definitions

A.

1. *"Absolute Limitations"* Compliance with limitations having descriptions of "shall not be less than," "not greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for samples and/or measurements collected.
2. *"Authorized representative"* means any of the following:
 - a. A responsible corporate officer, if the industrial user submitting the reports required by this rule is a corporation. For the purpose of this paragraph, a "responsible corporate officer" means one of the following:
 - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation.
 - ii. The manager of one or more manufacturing, production, or operation facilities, provided the manager meets all of the following: (a) Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations. (b) Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements. (c) Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
 - b. A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship, respectively.
 - c. A member or manager if the industrial user submitting the report is a limited liability company.
 - d. A duly authorized representative (delegated submitter) of the individual designated in paragraph A.2.a thru c of Section 1 "Definitions", if all of the following apply:
 - i. The authorization is made in writing by the individual described in paragraph A.2.a thru c of Section 1 "Definitions".
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.

- iii. The written authorization is submitted to the Ohio EPA online through Ohio EPA's eBusiness Center. See the website below for more information on obtaining a Personal Identification Number (PIN):

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

- e. If an authorization under paragraph A.2.d is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph A.2.d of this section shall be submitted to the Ohio EPA prior to or together with any reports to be signed by an authorized representative.

3. *"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.
4. *"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.

B.

1. *"Best management practices"* or *"BMPs"* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2 "General Effluent Limitations" of this part. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
2. *"Bypass"* means the intentional diversion of waste streams from any portion of the treatment facility.

C.

1. *"Categorical pretreatment standard"* means any national pretreatment standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories, promulgated by the administrator in accordance with section 307 of the act and established under 40 C.F.R. chapter I, subchapter N.
2. *"Compliance Schedule"* means a schedule designed to achieve compliance with limits, reduce pollutants in the effluent, improve the pretreatment system, etc. A permit compliance schedule does not relieve the permittee of its obligations to comply with applicable pretreatment standards and pretreatment requirements, including the prohibitions against pass through and interference. Such schedules are included in Part I of the permit.

3. *"Composite"* means a combination of individual samples collected at periodic intervals of the entire discharge day. Unless otherwise specified in this permit, composite samples must be flow-proportional. Samples may be collected manually or automatically.

For definitions of 'flow-proportional' and 'time proportional' composite sampling, refer to Appendix B of the "Industrial User Permitting Guidance Manual"; (US EPA, 2012); EPA-833-R-12-001A.

<https://www.epa.gov/npdes/industrial-user-permitting-guidance-manual>

Additional descriptions can also be found within Section 3.7 of the "Industrial User Inspection and Sampling Manual for POTWs" (US EPA, 2017); EPA-831-B-17-001.

<https://www.epa.gov/compliance/industrial-user-inspection-and-sampling-manual-publicly-owned-treatment-works>

D.

1. *"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.
2. *"Discharge Monitoring Report" or "DMR"* means the Ohio EPA's Form 4519 in accordance with Section 3 "Reporting - Discharge Monitoring Reports" of this Part. Also commonly referred to as "eDMR" for electronic versions of this form.

E. Reserved.

F. Reserved.

G. *"Grab"* means an individual sample collected at such time and location as to be representative of the discharge. The sample shall be taken over a period of time not to exceed 15 minutes.

H. Reserved.

I.

1. *"Instantaneous Maximum Discharge Limit"* means the maximum concentration of a pollutant allowed to be discharged at any time, which is typically determined from the analysis of a grab sample collected at the discharge from the industrial user.
2. *"Interference"* means a discharge that, alone or in conjunction with a discharge or discharges from other sources, results in either of the following:
 - a. Inhibits or disrupts the POTW, the POTW's treatment processes or operations, or the POTW's sludge processes, use or disposal; or

- b. Causes a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):
 - i. Section 405 of the Clean Water Act;
 - ii. The Solid Waste Disposal Act (SWDA), 42 U.S.C. sections 6901 to 6992 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of SWDA);
 - iii. The standards for the use and disposal of sewage sludge (40 C.F.R. 503 and Chapter 3745-40 of the Administrative Code);
 - iv. The Clean Air Act, 42 U.S.C. sections 7401-7671;
 - v. The Toxic Substances Control Act, 15 U.S.C. sections 2601 to 2692.
- J. Reserved.
- K. "*kg/day*" means kilograms per day.
- L. "*Local limits*" means limits on industrial users, developed by a POTW, technically based on site-specific factors to protect the POTW's operations from interference and pass through and to ensure that the POTW's dischargers comply with state and federal requirements. Local limits may be expressed as numerical values, narrative statements or best management practices, or a combination of these.
- M.
 - 1. "*MGD*" means million gallons per day.
 - 2. "*mg/l*" means milligrams per liter or parts per million (ppm).
- N. "*ng/l*" means nanograms per liter.
- O. Reserved.
- P.
 - 1. "*Pass through*" means a discharge that exits the POTW to waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation).
 - 2. "*pH*" means the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

3. *"Pollutant"* means sewage, industrial waste, or other waste as defined by divisions (B), (C) and (D) of Section 6111.01 of the Revised Code.
4. *"Pollution prevention"* means the use of source reduction techniques in order to reduce risk to public health, safety, and welfare, and the environment and, as a second preference, the use of environmentally sound recycling to achieve these same goals. Pollution prevention avoids cross-media transfers of waste or pollutants and is multi-media in scope. Pollution prevention addresses all types of waste and environmental releases to the air, water, and land.
5. *"POTW treatment plant"* means that portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
6. *"Pretreatment"* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging, or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by paragraph (F) of rule 3745-36-09 of the Administrative Code.
7. *"Process wastewater"* means any water that, during manufacturing or processing, comes into contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
8. *"Publicly owned treatment works" or "POTW"* means a treatment works owned or operated by a public authority. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the public authority that owns or operates the POTW and that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Q. Reserved.

R.

1. *"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.
2. *"Representative sample"* means a sample from a wastestream that is identical or nearly identical in composition to that in the larger volume of wastewater being discharged.

S.

1. *"Schedule of Compliance"* - see "Compliance Schedule".
2. *"Severe property damage"* means substantial physical damage to property, damage to the treatment facilities which causes 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.

3. *"Slug discharge" or "slug load" or "slug loading"* means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions.
 4. *"S.U." or "standard unit"* is a unit of measurement for pH.
- T. *"Treatment works"* means any plant, disposal field, lagoon, dam, pumping station, building sewer connected directly to treatment works, incinerator, or other works used for the purpose of treating, stabilizing, blending, composting, or holding sewage, sludge, sludge materials, industrial waste, or other wastes, except as otherwise defined.
- U.
1. *"ug/l" or "µg/l"* means micrograms per liter.
 2. *"Upset"* means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards 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.
 3. *"U.S. EPA" or "US EPA"* means the United States Environmental Protection Agency.
- V. Reserved.
- W. *"Wastewater Treatment Plant" or "WWTP"* - see the definition for "Publicly owned treatment works".
- X. Reserved.
- Y. Reserved.
- Z. Reserved.

2. General Effluent Limitations

- A. All users of a POTW shall comply with the requirements in all of the following, as applicable:
1. 40 CFR Part 403 of the Federal "General Pretreatment Regulations for Existing and New Sources of Pollution."
 2. Chapter 3745-36 of the Ohio Administrative Code (OAC).
 3. Local limits and regulations of the POTW.
- B. The permittee shall not introduce any of the following into a POTW:
1. Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
 3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interference with the operation of the POTW.
 4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration as to cause interference or pass through of the POTW.
 5. Heat in amounts that will inhibit biological activity in the POTW's treatment plant resulting in interference or pass through, or causing damage, but in no case heat in such quantities that the temperature exceeds 40 Degrees C (104 Degrees F) at the POTW unless the director, upon request of the POTW, approves an alternate temperature limit.
 6. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through of the POTW.
 7. Pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- C. Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

3. Reporting - Discharge Monitoring Reports

- A. Monitoring data required by this permit, including results from any sampling pursuant to paragraph 2.H, below, shall be reported on a semi-annual basis (see paragraph 2.B below), unless specified otherwise in Part II - Other Requirements. Monitoring data required by this permit shall be submitted on Ohio EPA 4519 Discharge Monitoring Report (DMR) forms using the electronic DMR (eDMR) internet application. eDMR allows permitted facilities to enter, sign, and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center can be found at the following web page:

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

Instructions for accessing and using the eBusiness Center can be found at the following webpage:

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

- B. DMRs shall be signed by a facility's Authorized Representative or a Delegated Responsible Official (i.e. a person delegated by the Authorized Representative).

For eDMR, 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 Authorized Representative on-line using the eBusiness Center's delegation function. This information can be found at the following web page:

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

- C. DMRs shall be transmitted via eBusiness Center twice a year in accordance with the following:

<u>Due Date</u>	<u>Sampling Period included in the DMR</u>
January 20 th	July 1 st - December 31 st of the previous year
July 20 th	January 1 st - June 30 th of the current year

- D. A copy of the submitted Ohio EPA 4519 DMR must be signed by an Authorized Representative or a Delegated Responsible Official and maintained onsite for records retention purposes (see Section 9 "Records Retention", page 16).

- E. 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 4 "Reporting – Noncompliance", the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

- F. 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 9 "Records Retention" of this Part.

- G. A copy of each DMR shall be sent to the POTW authority as specified in Part II of this permit.

- H. The permittee shall report noncompliance that is the result of any violation of a discharge limit for any of the pollutants listed in the permit.

1. See Section 4 "Reporting – Noncompliance" for instructions on reporting limit violations, unanticipated bypasses, and upsets.
2. If the noncompliant discharge event also meets the definition of a "slug load", the notification requirements in Section 5 "Slug Loading Notification" also apply.

4. Reporting – Noncompliance

- A. Applicable Situations

This section applies to the reporting requirements for the following types of incidences:

1. Violation of a discharge limit in Part I of this permit;
2. Unanticipated bypass (see Section 18 "Bypass of Pretreatment" for additional conditions); and
3. Upsets (see Section 19 "Operating Upsets" for additional conditions).

- B. Other Related Situations

1. If the noncompliance also resulted in a slug load, the reporting requirements in Section 5 "Slug Loading Notification" also apply; and
2. For provisions for anticipated bypass, see Section 18 "Bypass of Pretreatment".

C. Reporting

1. 24-Hour Notification

a. Deadline

Within twenty-four (24) hours of discovery, the permittee shall report the incident to the following:

- i. The POTW, in accordance with the communication methods described in Part II of this permit; and
- ii. The Ohio EPA, through a Noncompliance Report submitted via the eBusiness Center. Instructions and information on using the eBusiness Center and submitting the Noncompliance Report are found below:

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

[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(NonComplianceRP T\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(NonComplianceRP T).pdf)

b. Contents of the Report

- i. The limit(s) that has been impacted;
- ii. The extent of the incident;
- iii. The cause of the incident;
- iv. The duration of the incident, including exact dates and times of when the incident began and ended. If the incident has not yet been corrected at the time of reporting, the permittee shall provide the anticipated time the incidence is expected to continue; and
- v. Steps taken to reduce, eliminate, or prevent occurrence of the incident.
- vi. Identify the POTW impacted by the incident, including its NPDES permit number. The POTW's NPDES permit number can be found at the following website:

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

2. Follow-Up Report

- a. In addition to the 24-Hour Notification Report described in Paragraph 4.C.1 of this Part, the permittee shall file a written report to the following:

- i. The POTW, in accordance with the communication methods described in Part II of this permit; and
- ii. The Ohio EPA via email at DSW.Pretreatment@epa.ohio.gov with a subject line that contains the permit number and whichever phrase is applicable: 'Limit Violation Update', 'Bypass Update', or 'Upset Update'.

b. Violations of a Discharge Limit

Within thirty (30) days of becoming aware of the violation, the permittee shall:

- i. Repeat sampling and analysis for the parameter(s) in violation; and
- ii. Submit the results of the repeat analysis to both the Ohio EPA and the POTW.

c. Unanticipated Bypasses and Upsets

Within five (5) days of becoming aware of the noncompliance, the permittee shall provide an update of the situation. The information required are listed in Paragraph 4.C.1.b.

5. Slug Loading Notification

A. Immediately upon discovery of any slug loading, the permittee shall:

1. Notify both of the following:
 - a. The POTW, using the telephone number provided in Part II of this permit; and
 - b. The Ohio EPA, by telephone at 1-800-282-9378 or (614) 224-0946.
2. The permittee shall provide all of the following information to the POTW and Ohio EPA:
 - a. A description of the discharge and the cause of the slug loading;
 - b. The period of slug loading, including exact dates and times and, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c. The steps taken or planned to reduce, eliminate and prevent reoccurrence of the slug loading; and
 - d. The POTW(s) affected by the discharge, including its NPDES permit number. The POTW's NPDES permit number can be found at the following website:

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

B. Within five (5) business days of the slug loading, a written report containing the information shall be filed with the following:

1. The POTW, using the communication method specified in Part II of this permit; and

2. The Ohio EPA by email at DSW.Pretreatment@epa.ohio.gov with a subject line that contains the phrase '2DP00113 Slug Load Update'.

6. Notification of Discharge Changes

- A. The permittee shall immediately notify the POTW of both:
 1. All discharges that could cause problems to the POTW, including slug loading.
 2. Any changes at the facilities affecting potential for slug discharge.
- B. The permittee shall promptly notify Ohio EPA and the POTW in advance of:
 1. Any substantial change in volume or character of pollutants in the discharge; or
 2. Changes to the listed or characteristic hazardous wastes for which the permittee has initially submitted under 40 CFR 403.12(p).
- C. The permittee shall give notice, in accordance with 3745-36-03(F) of the Administrative Code, of any planned changes in the process line or treatment works from which the permitted discharge originates which may result in noncompliance with permit requirements. These changes include, but are not limited to, increases or decreases in production rates from which categorical standards are calculated, discharge flow rates, and the addition or deletion of waste streams. Notification of permit changes or anticipated noncompliance does not stay any permit conditions.

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. Sections 6111.44 and 6111.45 of the 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 construction.

7. Sampling and Analytical Methods

- A. Samples and measurements taken as required herein shall be representative of daily operations. 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 calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- B. Unless otherwise specified in this permit, composite samples shall be obtained through use of flow-proportional composite sampling techniques.
- C. The permittee is responsible for providing a sampling location suitable for obtaining a representative sample.

8. Recording of Results

For each measurement or sample taken, regardless of whether such sampling is required in the permit, the permittee shall record the following information:

- A. The exact place, method, time, and date of sampling;

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

9. Records Retention

The permittee shall retain all of the following records for a minimum of three (3) years, including:

- A. All sampling and analytical records specified in Section 8 "Recording of Results";
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit;
- F. All documentation of industrial user inspections by the POTW and Ohio EPA; and
- G. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application.

The period of retention described in Sections 8 and 9 of this Part shall be extended during the course of any unresolved litigation regarding the discharge of pollutants or the operation of the POTW or when requested by the director.

10. Availability of Reports

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

11. 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 or revoking 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.

12. Right of Entry

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

- 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 this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 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.

13. 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.
- B. Reasons for revocation include, but are not limited to, the following:
 - 1. Noncompliance by the permittee with any terms or conditions of this permit;
 - 2. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - 3. The permittee undergoes changes that result in it no longer being classified as a significant industrial user or non-significant categorical industrial user, as defined in rule 3745-36-02 of the Ohio Administrative Code. This includes a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - 4. A determination that the permitted activity endangers human health, POTW worker safety, or the environment, and can only be regulated to acceptable levels by permit revocation;
 - 5. Revocation by the POTW of the written authorization to discharge obtained pursuant to rule 3745-36-03 of the Ohio Administrative Code;
 - 6. When the POTW is damaged or disabled and, as a result, continued discharge of wastewaters by the industrial user may endanger public health, damage public or private property, or cause serious environmental harm; or
 - 7. The authorized discharge has been permanently discontinued.
- C. When a permit is modified, only the conditions subject to modification are reopened.
- D. Reasons for modification include, but are not limited to, the following:

1. Alterations

There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance and that justify the application of permit conditions that are different or absent in the existing permit.

2. Information

The director has received new information. Permits may be modified during their terms for this cause only if the information was not provided to Ohio EPA at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance.

3. New Regulations

The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during the term of the permit for this cause only as follows:

- a. For promulgation of amended standards or regulations, when all of the following occur:
 - i. The permit condition requested to be modified was based on a promulgated categorical pretreatment standard or general pretreatment standard.
 - ii. That portion of the pretreatment standard on which the permit condition was based has been revised, withdrawn, or modified.
 - iii. The permittee requests modification of the indirect discharge permit within ninety days of the effective date of the amended standard or state regulation on which the request is based.
- b. For judicial decisions, when a court of competent jurisdiction has remanded and stayed promulgated regulations or categorical pretreatment standards, if the remand and stay concern that portion of the regulations or standards on which the permit condition was based and a request is filed by the permittee within ninety days of judicial remand.

4. When a permittee has received a variance under the Clean Water Act or pretreatment regulations.
5. When required to incorporate an applicable toxic effluent standard or prohibition under section 307(a) of the Clean Water Act.
6. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.
7. When required by reopener conditions in a permit.
8. Minor modifications of individual indirect discharge permits.

Upon the consent of the permittee, the director may modify a permit to make the following corrections or allowances for changes in the permitted activity without following Chapter 3745-49 of the Administrative Code.

- a. Correct typographical errors.

- b. Require more frequent monitoring or reporting by the permittee.
 - c. Allow for a change in ownership or operational control of a facility where the director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the director.
 - d. Change facility name when no change of ownership has occurred.
- E. Pursuant to rule 3745-36-03 of the Ohio Administrative Code, the permittee may apply to the Ohio EPA for modification of any part of this permit.
- 1. The application for modification may be submitted at any time during the duration of the permit, but should be received by the Ohio EPA Division of Surface Water at least ninety (90) days before the date on which it is desired that the modification will become effective unless a different timeframe is otherwise specified in this permit.
 - 2. The application shall be made only on online forms available on the Ohio EPA's eBusiness Center. Instructions and information on using the eBusiness Center and submitting the Indirect Discharge Permit Modification Application can be found on Ohio EPA's website.
- <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services>
[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(IDP\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(IDP).pdf)
- F. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition.

14. Permit Renewal

- A. If the permittee wishes to continue to discharge after the expiration date of the permit, the permittee shall submit a complete application for renewal of the permit at least one hundred eighty (180) days prior to the expiration of the permit.
- B. An application to renew this permit shall contain the information required in rule 3745-36-03 of the Ohio Administrative Code and shall be submitted using the forms available on Ohio EPA's eBusiness Center.
- C. Instructions and information on using the eBusiness Center and submitting the Indirect Discharge Permit Renewal Application can be found on Ohio EPA's website.

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services>
[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(IDP\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(IDP).pdf)

15. Transfer of Ownership or Control

This permit cannot be transferred or assigned, nor shall a new owner or successor be authorized to discharge from this facility, until the following requirements are met:

- A. At least sixty (60) days in advance of the proposed transfer date, the permittee shall submit a permit transfer form through the Ohio EPA eBusiness Center.

1. The transfer form shall include 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).
2. In addition to the information required through the Indirect Discharge Permit Transfer Form on eBusiness Center, Ohio EPA may request other information and documents.
3. Instructions and information on using the eBusiness Center and submitting the Indirect Discharge Permit Transfer Form can be found on Ohio EPA's website.

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services>
[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(IDP\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(IDP).pdf)

- B. The director does not exercise his or her right to notify the current permittee and the new permittee of his or her intent to modify or revoke the permit and to require that a new application be filed.
- C. The director shall notify both the original permittee transferor and the transferee in writing of the director's response to the transfer application.

16. Requirement to Operate Efficiently

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 all of the following:

- A. Discharges to waters of the state and/or the surface of the ground;
- B. The introduction of pollutants that will cause interference or pass-through of the POTW; and
- C. Generation of nuisance odors in the surrounding community. Odor constitutes as a nuisance if it unreasonably interferes with the comfortable enjoyment of life or use of property, as determined by Ohio EPA.

17. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions under Section 307(a) of the Clean Water Act or Section 3745-3 of the Ohio Administrative Code 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. Bypass of Pretreatment

A. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance or to assure efficient operation. These bypasses are not subject to the provisions in paragraphs B and C of this Section.

B. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless all of the following occur:

1. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage, as defined in Section 1 "Definitions" of this Part.
2. There were no feasible alternatives, 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 that occurred during normal periods of equipment downtime or preventive maintenance.
3. The permittee submitted notices as required under paragraph C of this Section.

C. Reporting Bypasses

1. The timeframe and contents of the notification are dependent on whether the bypass is anticipated by the permittee. Bypasses shall be reported to:
 - a. The POTW, using the communication method described in Part II of this permit; and
 - b. The Ohio EPA, by emailing DSW.Pretreatment@epa.ohio.gov with a subject line that contains the permit number and either 'Unanticipated Bypass' or 'Anticipated Bypass', whichever applies.
2. Anticipated Bypass
 - a. For planned bypasses that could result in violation of applicable pretreatment standards, the permittee must submit prior notice at least 10 days in advance.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet all the conditions listed in paragraph B of this Section.
3. Unanticipated Bypass - See Section 4 "Reporting – Noncompliance" for the 24-hour report and 5-day follow-up report.

19. Operating Upsets

- A. The permittee shall report any upset that causes a temporary state of noncompliance with the conditions of this permit. See Section 4 "Reporting – Noncompliance" of this Part.

- B. The reports required in Section 4 "Reporting – Noncompliance" of this Part must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.
- C. A documented and verified operating upset must be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

20. State Laws and Regulations

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

21. 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.

22. 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.

23. Signatory Requirements

All applications and reports submitted to the Ohio EPA must be signed by an Authorized Representative or Delegated Responsible Official of the permittee, as defined in Section 1 "Definitions" of this Part.

24. Need to Halt or Reduce Activity

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.

25. Applicable Federal Rules

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

26. Applicable State Rules

All references to the Administrative Code, Ohio Administrative Code, or OAC in this permit mean the version of the Administrative Code effective as of the effective date of this permit.

All references to the Revised Code, Ohio Revised Code, or ORC in this permit mean the version of the Revised Code effective as of the effective date of this permit.

27. 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 Ohio Revised Code Sections 6111.09 and 6111.99.

28. Disposal of Residuals

The storage and disposal of collected screenings, slurries, sludge or other solids shall be in accordance with Chapters 6111 and 3734 of the Ohio Revised Code and rules adopted thereunder.

29. Civil and Criminal Liability

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

30. 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 purposely falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation or imprisoned not more than four years, or both.
- 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 \$10,000 per violation or imprisoned not more than one year or both.
- D. ORC 6111.99 provides that any person who purposely violates Sections 6111.04, 6111.042, 6111.05, or division (A) or (C) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than four years, or both.