Ohio EPA Permit No.: 3ID00021\*OD Application No: OH0004219

Modification Action Date: December 23, 2024 Modification Effective Date: January 1, 2025 Expiration Date: March 31, 2029

### 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),

#### Metallus, Inc.

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Metallus, Inc. - Canton Water Treatment Plant, located at 3100 Gambrinus Avenue SW, Canton Ohio, Stark County, and discharging to Domer Ditch (aka Beal Run) at River Mile 0.08 in accordance with the conditions specified in Parts I, II, and III of this permit.

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

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

for M Vogel

Anne M. Vogel Director

Total Pages: 30

# PART I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit modification and lasting until March 31, 2027, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00021015. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 015 - Interim

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
Daramatar	Conc	centration Sp	oecified Ui	nits	L	oading* k	g/day	Measuring	Sampling	Monitoring
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Туре	Months
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00530 - Total Suspended Solids - mg/l	30	-	-	10	397	-	133	1/Week	24hr Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	133	-	31.8	1/Week	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00951 - Fluoride, Total (F) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01074 - Nickel, Total Recoverable - ug/l	459	-	-	171	6.08	-	2.27	1/Month	24hr Composite	All
01079 - Silver, Total Recoverable - ug/l	17	-	-	1.3	0.226	-	0.017	1/Month	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	393	-	-	211	5.21	-	2.80	1/Month	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	161	-	-	32	2.13	-	0.42	1/Month	24hr Composite	All
01118 - Chromium, Total Recoverable - ug/l	319	-	-	108	4.23	-	1.43	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	52	-	-	30	0.689	-	0.397	1/Month	24hr Composite	All
34044 - Oxidants, Total Residual - mg/l	0.0024	-	-	-	-	-	-	1/Week	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All

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Effluent Characteristic	Discharge Limitations						Monitoring Requirements			
Danamatan	Concentration Specified Units				L	oading* k	g/day	Measuring	Sampling	Monitoring
rarameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Туре	Months
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Week	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	2/Year	Grab	March and Sep.
51600 - pH Range Excursion, Maximum Duration - Minutes	60	-	-	-	-	-	-	When Disch.	Total	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	24hr Composite	September
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc	-	-	-	-	-	-	-	1/Year	24hr Composite	September
61941 - pH, Maximum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
82090 - Total Toxic Organics - ug/l	245	-	-	-	3.25	-	-	1/Month	Total	All
82581 - pH Range Excursions,	0	-	-	-	-	-	-	When Disch.	Total	All
82582 - pH Range Excursions, Monthly Total Duration - Minutes	446	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 3ID00021015:

\* Effluent loadings based on average design flow of 3.5 MGD. Effluent Limitation Guidelines (ELGs) from the following Title 40 Code of Federal Regulations (40 CFR) categories were applied to the regulated production sources (details are in the permit Fact Sheet):

40 CFR 420, "Iron and Steel Manufacturing Point Source Category"

- Subpart E, "Vacuum Degassing Subcategory"

- Subpart F, "Continuous Casting Subcategory"

- Subpart G, "Hot Forming Subcategory"

- Subpart J, "Cold Forming Subcategory"

- Subpart M, "Other Operations Subcategory"

40 CFR 433, "Metal Finishing Point Source Category" - Subpart A, "Metal Finishing Subcategory"

a. Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, eDMR users should select the "No Discharge" check box on the date entry form. PIN the eDMR.

b. Copper, Fluoride, Lead, Nickel, Selenium, Silver, and Zinc - See Part I, C. Schedule of Compliance.

c. Sufficiently Sensitive Methods/Method Detection Limits - See Part II, Item J.

d. Dissolved Metal Translator Study - See Part II, Item K.

e. Acute and Chronic Whole Effluent Toxicity - See Part II, Item N.

f. The Total Toxic Organic (TTO) limitation is a guideline-based limitation and is not an authorization to discharge toxic compounds at levels which cause water quality violations. See Part II, Item O for alternative TTO sampling requirements.

g. Oil and Grease - The discharge shall not contribute to the surface water in amounts sufficient to cause any visible sheen.

h. The pH (Maximum/Minimum) shall be maintained within the range of 6.5 - 9.0 S.U. pH readings which do not fall within this range shall be considered an excursion of permit limits. See Part II, Item I.

i. pH Range Excursions, Monthly Total Duration (in minutes) - See Part II, Item I.

j. pH Range Excursions, Maximum Duration (in minutes) - See Part II, Item I.

k. pH Range Excursions, > 60 Minutes (Number/Day) - See Part II, Item I.

1. Total Residual Chlorine - See Part I, C. Schedule of Compliance and Part II, Item P.

m. Mercury - See Part II, Item Q.

n. Cadmium and Total Cyanide Monitoring Waiver - In addition to parameters listed in the table above, regulations in 40 CFR 433 (Metal Finishing Regulations) include limits for cadmium and total cyanide. While these limits apply to the discharge from outfall 3ID00021015, they are not present in the wastewater in excess of background concentrations. Based on this information and available monitoring data, Ohio EPA has granted a monitoring waiver for cadmium and total cyanide under 40 CFR 122.44(a)(2). Applicable limitations include:

Parameter	Monthly Average (ug/l)	Daily Maximum (ug/l)
Cadmium	6.5 ug/l (0.086 kg/day)	18 ug/l (0.24 kg/day)
Total Cyanide	93 ug/l (1.23 kg/day)	172 ug/l (2.28 kg/day)

o. Total Residual Oxidants (TRO) - See Part II, Item P.

p. TRO reflects the use of bromine compounds. Bromine can be used separately or in combination with chlorine. These limits are effective when bromine is used.

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q. For total residual chlorine, report on days when only chlorine compounds are used (i.e. no bromine compounds). Report "AH" for TRC on discharge monitoring report (DMR) if bromine (or a combination of bromine and chlorine) is used and explain in the remarks section.

r. For TRO, report on days when bromine or bromine and chlorine containing compounds are used. Report "AH" for TRO on the DMR if only chlorine is used and explain in the remarks section.

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

# PART I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on April 1, 2027 and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00021015. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Effluent Characteristic	Discharge Limitations					Moni	Monitoring Requirements			
Damamatan	Concentration Specified Units					oading* k	g/day	Measuring	Sampling	Monitoring
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Туре	Months
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00530 - Total Suspended Solids - mg/l	30	-	-	10	397	-	133	1/Week	24hr Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	133	-	31.8	1/Week	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
00951 - Fluoride, Total (F) - mg/l	-	-	-	2.20	-	-	29.1	1/Month	24hr Composite	All
00981 - Selenium, Total Recoverable - ug/l	62	-	-	5	0.82	-	0.066	1/Month	24hr Composite	All
01074 - Nickel, Total Recoverable - ug/l	459	-	-	151	6.08	-	2.00	1/Month	24hr Composite	All
01079 - Silver, Total Recoverable - ug/l	13	-	-	1.3	0.17	-	0.017	1/Month	24hr Composite	All
01094 - Zinc, Total Recoverable - ug/l	342	-	-	211	4.53	-	2.80	1/Month	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	161	-	-	30	2.13	-	0.40	1/Month	24hr Composite	All
01118 - Chromium, Total Recoverable - ug/l	319	-	-	108	4.23	-	1.43	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	44	-	-	27	0.58	-	0.36	1/Month	24hr Composite	All
34044 - Oxidants, Total Residual - mg/l	0.0024	-	-	-	-	-	-	1/Week	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All

Table - Final Outfall - 015 - Final

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Effluent Characteristic	Discharge Limitations						Moni	toring Require	ements	
Donomotor	Concentration Specified Units				L	oading* k	g/day	Measuring	Sampling	Monitoring
rarameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Туре	Months
50060 - Chlorine, Total Residual - mg/l	0.019	-	-	-	-	-	-	1/Week	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	2/Year	Grab	March and Sep.
51600 - pH Range Excursion, Maximum Duration - Minutes	60	-	-	-	-	-	-	When Disch.	Total	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	24hr Composite	September
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc	-	-	-	-	-	-	-	1/Year	24hr Composite	September
61941 - pH, Maximum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
82090 - Total Toxic Organics - ug/l	245	-	-	-	3.25	-	-	1/Month	Total	All
82581 - pH Range Excursions,	0	-	-	-	-	-	-	When Disch.	Total	All
82582 - pH Range Excursions, Monthly Total Duration - Minutes	446	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 3ID00021015:

\* Effluent loadings based on average design flow of 3.5 MGD. Effluent Limitation Guidelines (ELGs) from the following Title 40 Code of Federal Regulations (40 CFR) categories were applied to the regulated production sources (details are in the permit Fact Sheet):

40 CFR 420, "Iron and Steel Manufacturing Point Source Category"

- Subpart E, "Vacuum Degassing Subcategory"

- Subpart F, "Continuous Casting Subcategory"

- Subpart G, "Hot Forming Subcategory"

- Subpart J, "Cold Forming Subcategory"

- Subpart M, "Other Operations Subcategory"

40 CFR 433, "Metal Finishing Point Source Category" - Subpart A, "Metal Finishing Subcategory"

a. Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, eDMR users should select the "No Discharge" check box on the date entry form. PIN the eDMR.

b. Copper, Fluoride, Lead, Nickel, Selenium, Silver, and Zinc - See Part I, C. Schedule of Compliance.

c. Sufficiently Sensitive Methods/Method Detection Limits - See Part II, Item J.

d. Dissolved Metal Translator Study - See Part II, Item K.

e. Acute and Chronic Whole Effluent Toxicity - See Part II, Item N.

f. The Total Toxic Organic (TTO) limitation is a guideline-based limitation and is not an authorization to discharge toxic compounds at levels which cause water quality violations. See Part II, Item O for alternative TTO sampling requirements.

g. Oil and Grease - The discharge shall not contribute to the surface water in amounts sufficient to cause any visible sheen.

h. The pH (Maximum/Minimum) shall be maintained within the range of 6.5 - 9.0 S.U. pH readings which do not fall within this range shall be considered an excursion of permit limits. See Part II, Item I.

i. pH Range Excursions, Monthly Total Duration (in minutes) - See Part II, Item I.

j. pH Range Excursions, Maximum Duration (in minutes) - See Part II, Item I.

k. pH Range Excursions, > 60 Minutes (Number/Day) - See Part II, Item I.

1. Total Residual Chlorine - See Part I, C. Schedule of Compliance and Part II, Item P.

m. Mercury - See Part II, Item Q.

n. Cadmium and Total Cyanide Monitoring Waiver - In addition to parameters listed in the table above, regulations in 40 CFR 433 (Metal Finishing Regulations) include limits for cadmium and total cyanide. While these limits apply to the discharge from outfall 3ID00021015, they are not present in the wastewater in excess of background concentrations. Based on this information and available monitoring data, Ohio EPA has granted a monitoring waiver for cadmium and total cyanide under 40 CFR 122.44(a)(2). Applicable limitations include:

Parameter	Monthly Average (ug/l)	Daily Maximum (ug/l)
Cadmium	6.5 ug/l (0.086 kg/day)	18 ug/l (0.24 kg/day)
Total Cyanide	93 ug/l (1.23 kg/day)	172 ug/l (2.28 kg/day)

o. Total Residual Oxidants (TRO) - See Part II, Item P.

p. TRO reflects the use of bromine compounds. Bromine can be used separately or in combination with chlorine. These limits are effective when bromine is used.

q. For total residual chlorine, report on days when only chlorine compounds are used (i.e. no bromine compounds). Report "AH" for TRC on discharge monitoring report (DMR) if bromine (or a combination of bromine and chlorine) is used and explain in the remarks section.

r. For TRO, report on days when bromine or bromine and chlorine containing compounds are used. Report "AH" for TRO on the DMR if only chlorine is used and explain in the remarks section.

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

## PART I, A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from Calculated Outfall 3ID00021099. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Fictitious Outfall/Station - 099 - Final

Effluent Characteristic	Discharge Limitations					Monit	oring Requir	ements		
Davamatav	Concentration Specified Units				Loading* kg/day			Measuring	Sampling	Monitoring
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Туре	Months
51451 - Phosphorus, Total Load - Kg	-	-	-	-	-	-	-	1/Year	Calculated	December

Notes for Calculated Station Number 3ID00021099:

a. This fictitious outfall represents the annual median Total Phosphorus load from outfall 3ID00021015 for TMDL reporting/tracking.

b. The total phosphorus annual load is calculated as follows: [median daily effluent flow (MGD) for the calendar year] x [median total phosphorus concentration (mg/l) for the calendar year] x 3.7854. Round the result to two decimals and enter the calculated loading for this parameter on the December eDMR.

c. Nimishillen Creek TMDL Requirements - See Part II, Item R.

Milestone Summary Report								
Section	<u>Report</u>	<b>Event Code</b>	Due Date					
Industrial Construction Schedule	Submit Facility Plans	53799	April 1, 2025					
Industrial Construction Schedule	Final Plan Submitted	1299	October 1, 2025					
Industrial Construction Schedule	Begin Construction	3099	April 1, 2026					
Industrial Construction Schedule	1st Report Construction Progress	3599	April 1, 2026					
Industrial Construction Schedule	End Construction	4599	March 1, 2027					
Industrial Construction Schedule	Operational Level Attained	5599	April 1, 2027					

### PART I, C. - SCHEDULE OF COMPLIANCE

1. Industrial Construction Schedule - Copper, Fluoride, Lead, Nickel, Selenium, Silver, Zinc, and Total Residual Chlorine

The permittee shall achieve compliance with the final effluent limitations for Outfall 3ID00021015, as specified in Part I.A. of this NPDES permit, as expeditiously as practicable. In any event, the permittee shall attain final compliance not later than the dates developed in accordance with the following schedule:

a. The permittee shall submit a status report on the ability of the existing treatment facilities to meet the final effluent limits as soon as practicable, but no later than April 1, 2025. If the existing treatment facilities cannot meet these final limits, the permittee shall include a description of the actions proposed, and the associated milestone dates, to achieve final compliance. (Event Code 53799)

b. If additional improvements to the existing treatment facilities are necessary, the permittee shall submit a complete and approvable PTI application and detailed plans for achieving final compliance as soon as practicable, but not later than October 1, 2025. (Event Code 01299)

c. The permittee shall initiate construction of any necessary improvements as soon as practicable, but not later than April 1, 2026. (Event Code 03099)

d. The permittee shall submit a report regarding the progress towards achieving compliance with the final effluent limitations as soon as practicable, but not later than April 1, 2026. (Event Code 03599)

e. The permittee shall have completed construction of any necessary improvements as soon as practicable, but not later than March 1, 2027. (Event Code 04599)

f. The permittee shall attain compliance with the final effluent limitations as soon as practicable, but not later than April 1, 2027. (Event Code 05599)

g. All required submittals (e.g. reports, forms, and/or documentation) in Items 1a. - 1f. shall be addressed to the Ohio EPA Northeast District Office, Division of Surface Water. All notifications shall be in writing and submitted to Ohio EPA within 14 days of completion.

### PART II, OTHER REQUIREMENTS

Sampling Station	Description of Location
3ID00021015	Final effluent from Water Treatment Plant
	(Lat: 40 N 45 ' 56 "; Long: 81 W 24 ' 57 ")
3ID00021099	Calculated station for TMDL reporting/tracking. This is not a physical location; no samples are collected.

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

B. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

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

D. All parameters, except flow and any other continuously-recorded parameters, 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.

E. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the wastewater 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.

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

#### G. Treatment Additives

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

https://epa.ohio.gov/static/Portals/35/permits/Additive-Form.docx

H. There shall be no detectable amount of any priority pollutant attributable to cooling tower maintenance chemicals in the cooling tower blowdown wastewater.

I. pH Excursion

At sampling stations where pH is monitored continuously, the permittee shall maintain the pH of such wastewater within the range specified (6.5 - 9.0) in this permit. Any incident in which the pH exceeds the range specified in the permit shall be considered an "excursion". Excursions from the range are permitted subject to the following limitations and conditions:

1. The total duration of excursions (total time above or below the limit) shall not exceed 7 hours and 26 minutes (446 minutes) in a calendar month.

2. No individual excursion from the range of pH values (consecutive time above or below a limit) shall exceed 60 minutes.

3. The permittee shall report each month for each monitoring station where pH is monitored continuously the following:

- a. the number of pH excursions;
- b. the duration of each excursion;
- c. the date of each excursion; and
- d. the total time of all excursions combined.
- 4. For reporting purposes on eDMR, the permittee shall report as follows:
- a. For daily pH values, report both the highest and lowest pH value for that day.

b. For the parameter "pH Range Excursions, Monthly Total Duration (minutes)" report the total duration of excursions for the entire calendar month on Day 1.

c. For the parameter "pH Range Excursion, Maximum Duration (minutes)" report, the duration of the longest excursion on each day of occurrence. If no such excursions occurred during the month, report "0" on Day 1.

d. For the parameter "pH Range Excursions > 60 Minutes (Number/Day)" report the number of excursions each day that exceeded 60 minutes in duration. If no such excursions occurred during the month, report "0" on Day 1.

J. Sufficiently Sensitive Methods / Method Detection Limits

The permittee shall use analytical procedures approved under 40 CFR 136 with sufficiently-sensitive method detection limits (MDLs) for all required monitoring parameters, All detected concentration values above the MDL must be reported. The MDLs for the following parameters shall be less than or equal to those listed below to comply with the monitoring requirements:

Parameter	MDL ( $\mu$ g/L)
Copper, Total Recoverable	5.0
Selenium, Total Recoverable	1.0
Silver, Total Recoverable	0.5

K. Dissolved Metal Translator or Water-Effect Ratio Study

If the permittee chooses to develop a dissolved metal translator (DMT) or water-effect ratio use in future NPDES permit renewals and/or modifications, the permittee shall follow the schedule presented below:

1. Not later than six months after the effective date of the permit, the permittee shall submit two copies of a study plan for determining site-specific water quality criteria based upon a dissolved metal translator or water-effect ratio. The study plan shall be developed consistent with the "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals" (EPA-823\_B\_940-001; U.S. EPA, February 1994) and Ohio Administrative Code 3745-2-04(F) and associated Ohio EPA guidance for the development of dissolved metal translators.

2. Not later than 12 months after the effective date of this permit, the permittee shall begin implementation of the study plan after addressing any comments that were received from Ohio EPA, Division of Surface Water.

3. Not later than 24 months after the effective date of the permit, the permittee shall submit the final report on the water-effect ratio or dissolved metal translator study.

a. The final report shall be prepared consistent with Section J of the "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals" (EPA-823-B-92-001) or Ohio Administrative Code 3745-2-04(F), as appropriate.

b. If the permittee wishes to request an increase in final effluent limits based upon the results of a watereffect ratio or a dissolved metal translator study, an NPDES permit modification request accompanied by a completed antidegradation addendum shall accompany the final report.

4. All submittals required under Part II, Item K shall be made to Ohio EPA Northeast District Office, Division of Surface Water.

L. Outfall Signage

The permittee shall maintain a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit. This includes final outfalls, bypasses, and combined sewer overflows. The sign shall include, at a minimum, the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.

#### M. Industrial Stormwater Regulations

To comply with industrial stormwater regulations, the permittee applied for and obtained coverage under Ohio NPDES General Permit for stormwater discharges associated with industrial activity (aka Multi-sector General Permit or MSGP) No. OHR000007, effective June 1, 2022, as GR00394\*GG. Compliance with the industrial stormwater regulations must be re-affirmed every five years. No later than June 1, 2027, the permittee must reapply for coverage under the Multi-sector General Permit or include stormwater monitoring with the individual NPDES permit renewal by including a completed Form 2F and stormwater map for associated outfalls or make other provisions to comply with the industrial storm water regulations.

### N. Biomonitoring Program Requirements

The permittee shall continue to implement an effluent biomonitoring program to determine the toxicity of the effluent from Outfall 3ID00021015.

### **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 annual chronic toxicity tests, as specified in Part I, A, using *Ceriodaphnia dubia* on effluent samples from Outfall 3ID00021015. These tests shall be conducted as specified in Section 3 of the biomonitoring guidance.2. Acute Bioassays

The permittee shall conduct annual definitive acute toxicity tests, as specified in Part I, A, using *Ceriodaphnia dubia* on effluent samples from Outfall 3ID00021015. 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.

### 3. 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

TUa = Acute Toxicity Units = 100/LC50

TUc = 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):

TUc = Chronic Toxic Units = 100/square root of (NOEC x LOEC)

O. Total Toxic Organics (TTO) Compliance Options

The permittee may elect to monitor TTO at outfall 3ID00021015 in accordance with subparagraph 1. below or, in lieu thereof, adopt and implement a certified toxic organic management plan (TOMP) and submit certifications in accordance with subparagraph 2. hereof.

1. Monitoring Option

If the permittee elects to conduct monitoring to measure compliance with the TTO limit through monitoring outfall 3ID00021015, then monitoring shall be conducted in accordance with the following provisions:

a. At least two grab samples for volatile pollutants and either an 8-hour or a 24-hour composite sample for acid and base/neutral and pesticide pollutants shall be obtained on each monitoring day as required in Part I, A. Wastewater samples shall be prepared and analyzed by GC/MS in accordance with the requirements in 40 CFR 136. The TTO measured in the discharge are to be reported in the units of micrograms per liter ( $\mu$ g/L).

b. The term "total toxic organics" (TTO) shall mean the summation of all quantifiable values greater than  $10 \mu g/L$  for the pollutants listed in Metal Finishing "40 CFR 433.11(e)."

c. After review of the results of the wastewater monitoring and any other information, Ohio EPA may modify the provisions of paragraph O.1., as appropriate. Modifications may include, but are not limited to, restricting monitoring to those toxic organics which would reasonably be expected to be present. Ohio EPA may also require continued monitoring to measure compliance with the TTO limit. If monitoring is necessary to measure compliance with the TTO limit, the permittee would need to analyze for only those pollutants which would reasonably be expected to be present.

## 2. Certification Option

If the permittee elects to certify compliance rather than continue monitoring, the permittee shall:

a. Submit to the Ohio EPA a Toxic Organic Management Plan (TOMP) for review and approval that includes the information specified in Ohio Administrative Code (OAC) 3745-33-09 paragraph (C)(1). This includes, but is not limited to, the following: the toxic organic chemicals used, generated, and stored; the maximum quantities used; a pollution prevention assessment; a description of the methods of

disposal other than discharge to surface waters, such as reclamation, contract hauling or incineration; and procedures for ensuring that toxic organics do not spill or leak into process wastewaters, floor drains, noncontact cooling water, ground water, or surface waters. The plan shall include the certification statement below. Upon review and approval of the plan, Ohio EPA will modify this permit to include the plan as a provision of the permit.

b. Except as provided in subparagraph iii and iv below, make the following certification statement with each electronic discharge monitoring report (eDMR):

"Based on my inquiry of the person or persons directly responsible for managing compliance with the limit for total toxic organics, I certify that, to the best of my knowledge and belief, no discharge or dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the Ohio EPA."

When exercising its right to submit a certification statement in lieu of TTO monitoring, the permittee shall input the code "AH" into eDMR and enter the certification statement in the "Comments" box.

c. If the permittee is unable to make the above certification statement, notify the Ohio EPA in accordance with Part III, 12 of this permit. Upon receiving this notification, Ohio EPA will determine whether it is appropriate to continue the certification option or require TTO monitoring.

d. Upon failure to comply with all the requirements in Part II.O of this permit, conduct the required monthly TTO monitoring and submit the subsequent results to eDMR.

3. Certification re-evaluation

Once every permit cycle, but no less frequently than once every five years, the TOMP shall be updated and the waste stream subject to TTO limits shall be sampled and analyzed for TTO, or those toxic organic compounds expected to be present. Failure to submit this information will results in the reinstatement of the compliance monitoring requirements in paragraph O.1.

P. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

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

### **REPORTING:**

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

1. Results above the QL: Report the analytical result for the parameter of concern.

2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.

3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

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

Parameter	PQL	ML
Chlorine, total residual	0.050 mg/l	
Oxidants, total residual	0.050 mg/l	

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

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

The permittee shall use either EPA Method 1631 or EPA Method 245.7 promulgated under 40 CFR 136 to comply with the mercury monitoring requirements of this permit.

R. Nimishillen Creek Total Maximum Daily Load (TMDL) Report Tracking

The "Total Maximum Daily Loads for the Nimishillen Creek Watershed" report was approved in December 2009. The TMDL assigned an individual wasteload allocation of 3.58 kg/day total phosphorus (annual median load) for discharges from Metallus, Inc. - Canton. Based on current information, the phosphorus loading from Metallus, Inc. - Canton is consistent with the wasteload allocation and assumptions in the TMDL. The phosphorus loading from Metallus, Inc. - Canton will continue to be re-evaluated as part of subsequent permit renewals.

### PART III - GENERAL CONDITIONS

### 1. DEFINITIONS

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

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

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean. "85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

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

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

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

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

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

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

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

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

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

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

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

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

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

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

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

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

### 2. GENERAL EFFLUENT LIMITATION

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

A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or 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 weeks or algae to the extent that such growth become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

F. In amounts that will impair designated instream or downstream water uses

### 3. FACILITY OPERATION AND QUALITY CONTROL

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

A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

### 4. REPORTING

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

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

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

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

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

3. In the case of a municipal, state or other public facility, by either the principal executive officer, the ranking elected official or other duly authorized employee.

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

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

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

D. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

E. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

### 5. SAMPLING AND ANALYTICAL METHOD

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

### 6. RECORDING OF RESULTS

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

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

B. The person(s) who performed the sampling or measurements;

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

### 7. RECORDS RETENTION

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

A. All sampling and analytical records (including internal sampling data not reported);

- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

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

### 8. AVAILABILITY OF REPORTS

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

### 9. DUTY TO PROVIDE INFORMATION

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

### 10. RIGHT OF ENTRY

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

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

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

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

### 11. UNAUTHORIZED DISCHARGES

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

### B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24-hour notice).

C. Prohibition of Bypass

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

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

## 12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery. The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

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

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: <a href="https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permitts">https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permitts</a>

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

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

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

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

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery. The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.ohio.gov Southwest District Office: swdo24hournpdes@epa.ohio.gov Northwest District Office: nwdo24hournpdes@epa.ohio.gov Northeast District Office: nedo24hournpdes@epa.ohio.gov Central District Office: cdo24hournpdes@epa.ohio.gov Central Office: co24hournpdes@epa.ohio.gov The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section: <u>https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permits</u>

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 email 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)(i).

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

### **17. TOXIC POLLUTANTS**

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

### 18. PERMIT MODIFICATION OR REVOCATION

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

1. Violation of any terms or conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

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

## 19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

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

### 20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

### 21. SOLIDS DISPOSAL

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

### 22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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

### 23. CIVIL AND CRIMINAL LIABILITY

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

### 24. STATE LAWS AND REGULATIONS

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

### 25. PROPERTY RIGHTS

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

### 26. UPSET

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

#### 27. SEVERABILITY

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

#### 28. SIGNATORY REQUIREMENTS

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

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

### **29. OTHER INFORMATION**

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

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

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

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

### 30. NEED TO HALT OR REDUCE ACTIVITY

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

### 31. APPLICABLE FEDERAL RULES

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

#### 32. AVAILABILITY OF PUBLIC SEWERS

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