

**Ohio Environmental Protection Agency
Modification of National Pollutant Discharge
Elimination System (NPDES) Permit**

Issue Date: October 1, 2020 Existing Permit No.: 3IE00013*PD
Effective Date: January 1, 2020 Application No.: OH0000523

Entity Name: INEOS Pigments USA Inc Ashtabula Complex 1

Facility Location: 4300 Middle Road, Ashtabula, OH 44004, Ashtabula County

In accordance with Rule 3745-33-04 (D) of the Ohio Administrative Code, the above referenced NPDES permit is hereby modified as follows:

Revision

1. Revised the heading in Part I, A - Table 6 as follows: "During the period beginning on the effective date of this permit modification and lasting until August 31, 2021..."
2. Revised the heading in Part I, A - Table 7 as follows: "During the period beginning on September 1, 2021 and lasting until the expiration date..."
3. Revised the Schedule of Compliance requirements in Part I, C.1 as follows:

The permittee shall achieve compliance with the final effluent limitations for outfall 3IE00013098, as specified in Part I, A of this permit modification, in accordance with the following schedule:

- a. Within 6 months of the effective date of this permit modification, the permittee shall submit a status report detailing the actions taken, or progress made, toward achieving compliance with the final effluent limitations. (Event Code 95999)
- b. The permittee shall notify the Ohio EPA Northeast District Office, Division of Surface Water, within 14 days of achieving compliance with the final effluent limitations.

Attached is the modified NPDES permit.

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

When the modification is effective, the Ohio EPA permit number will be changed to 3IE00013*QD
The application number will remain OH0000523



Laurie A. Stevenson
Director

Application No. OH0000523

Modification Issue Date: October 1, 2020

Modification Effective Date: January 1, 2021

Expiration Date: August 31, 2024

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),

INEOS Pigments USA Inc.

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Ashtabula Complex Plant 1, located at 2900 Middle Road, and the Ashtabula Complex Plant 2, located at 2426 Middle Road, Ashtabula Township, Ohio, Ashtabula County, and discharging to Lake Erie via a multiport diffuser in accordance with the conditions specified in Parts I, II, III, IV, V, and VI of this permit.

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

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



Laurie A. Stevenson
Director

Total Pages: 76

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IE00013013. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 013 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Week	24hr Composite	All
00951 - Fluoride, Total (F) - mg/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01009 - Barium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Month	Grab	Summer
34044 - Oxidants, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All
51600 - pH Range Excursion, Maximum Duration - Minutes	60	-	-	-	-	-	-	When Disch.	Total	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	2/Year	24hr Composite	June and Oct.

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	
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	2/Year	24hr Composite	June and Oct.
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/Week	24hr Composite	All
82581 - pH Range Excursions, > 60 Minutes - Number/Day	0	-	-	-	-	-	-	When Disch.	Total	All
82582 - pH Range Excursions, Monthly Total Duration - Minutes	446	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 3IE00013013:

a. Mercury - See Part II, Items W, X, and Y.

b. Biomonitoring - See Part II, Item S.

c. For pH, the maximum limit is 9.0 and the minimum limit is 6.0 S.U. Violations will occur if:

1. Total minutes of excursions from these limits exceed 7 hours and 26 minutes (or 446 minutes) during a single month. See pH Range Excursions, Monthly Total Duration (in minutes), Reporting Code 82582. If no excursions occurred during the month, report "0"; or

2. An individual excursion event continues uninterrupted for more than 60 minutes. See:

i. pH Range Excursions, Maximum Duration (in minutes), Reporting Code 51600. Report the minutes of the longest excursion occurring each day. If no excursions occurred, leave value blank for the day.

ii. pH Range Excursions, > 60 Minutes (Number/Day), Reporting Code 82581. Enter the number of excursions each day which exceeded 60 minutes in duration. If no excursions occurred, leave value blank for the day.

d. Bis (2-ethylhexyl) Phthalate monitoring - See Part II, Item J.

e. Total Residual Chlorine:

Monitoring for this parameter is only required if chlorine is in use. On months that chlorine is not used in the cooling water system, enter "AH" on the first day of the eDMR for the parameter.

f. Total Residual Oxidants:

1. The Permittee is required to monitor for this parameter only if Ohio EPA has approved the use of a water treatment additive in the cooling water system, which releases bromine; and
2. Monitoring is required once per month during months when the water treatment additive is used.
3. During months when the water treatment additive is not used, enter code "AH" and enter, "Water treatment additive that releases bromine was not used" in the Remarks section.

g. Quarterly - Alt means sampling must be conducted in the months of March, June, September, and December.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. 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 outfall 3IE00013017. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 017 - Final

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

Notes for Station Number 3IE00013017:

- a. An eDMR for this station must be submitted every month. If there are no discharges during the entire month select the "No Discharge" Check box on the data entry form and PIN the eDMR.
- b. Discharges with Landfill Contact Water Contamination - See Part II, Item F.

c. Discharges without Landfill Contact Water Contamination

i. Sampling Frequency - Total suspended solids shall be sampled quarterly. Quarterly sampling may be collected any time during the quarter (Q1 = January - March, Q2 = April - June, Q3 = July - September, Q4 = October - December). All other parameters may be left blank when there is no landfill contact water contamination.

If there are no discharges the entire month, select the "No Discharge" check box on the data entry form. If the required sample has already been collected or will be collected in a later month of the quarter, use the "AH" code on the first day and the explanation, "Required sample collected in different month" in the comment field for total suspended solids.

ii. Benchmark

The benchmark concentration listed below applies to this outfall. The benchmark concentration is not an effluent limitation; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the control measures / best management practices (BMPs) in Part IV. Items A-C.

Benchmark concentrations become applicable after one year of sampling.

Parameter	Benchmark
Total Suspended Solids	100 mg/L

iii. Storm water - See also Parts IV, V, and VI.

Part I, A. - FINAL 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 outfall 3IE00013018. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 018 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly - Alt.

Notes for Station Number 3IE00013018:

a. Monitoring and sampling shall be performed as required in the above table. An eDMR for this station must be submitted quarterly. If there are no discharges during the entire reporting quarter, eDMR users should select the "No Discharge" check box on the data entry form and PIN the eDMR.

b. Benchmark

The benchmark concentration listed below applies to this outfall. The benchmark concentration is not an effluent limitation; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the control measures / best management practices (BMPs) in Part IV. Items A-C.

Benchmark concentrations become applicable after one year of sampling.

Parameter	Benchmark
Total Suspended Solids	100 mg/L

c. Monitoring and sampling shall be performed as required in the above table and as stated in Part V.B. Sampling shall be performed when discharging. Quarterly sampling may be collected any time during the quarter (Q1 = January - March, Q2 = April - June, Q3 = July - September, Q4 = October - December).

d. Storm water - See also Parts IV, V, and VI.

e. Quarterly - Alt means sampling eDMRs must be reported in the months of March, June, September, and December.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. 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 outfall 3IE00013023. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 023 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Week	24hr Composite	All
00951 - Fluoride, Total (F) - mg/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01009 - Barium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly - Alt.
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Month	Grab	Summer
34044 - Oxidants, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All
51600 - pH Range Excursion, Maximum Duration - Minutes	60	-	-	-	-	-	-	When Disch.	Total	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	2/Year	24hr Composite	June and Oct.

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	
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	2/Year	24hr Composite	June and Oct.
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/Week	24hr Composite	All
82581 - pH Range Excursions, > 60 Minutes - Number/Day	0	-	-	-	-	-	-	When Disch.	Total	All
82582 - pH Range Excursions, Monthly Total Duration - Minutes	446	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 3IE00013023:

a. Mercury - See Part II, Items W, X, and Y.

b. Biomonitoring - See Part II, Item S.

c. For pH, the maximum limit is 9.0 and the minimum limit is 6.0 S.U. Violations will occur if:

1. Total minutes of excursions from these limits exceed 7 hours and 26 minutes (or 446 minutes) during a single month. See pH Range Excursions, Monthly Total Duration (in minutes), Reporting Code 82582. If no excursions occurred during the month, report "0"; or

2. An individual excursion event continues uninterrupted for more than 60 minutes. See:

i. pH Range Excursions, Maximum Duration (in minutes), Reporting Code 51600. Report the minutes of the longest excursion occurring each day. If no excursions occurred, leave value blank for the day.

ii. pH Range Excursions, > 60 Minutes (Number/Day), Reporting Code 82581. Enter the number of excursions each day which exceeded 60 minutes in duration. If no excursions occurred, leave value blank for the day.

d. Bis (2-ethylhexyl) Phthalate monitoring - See Part II, Item J.

e. Total Residual Chlorine:

Monitoring for this parameter is only required if chlorine is in use. On months that chlorine is not used in the cooling water system, enter "AH" on the first day of the eDMR for the parameter.

f. Total Residual Oxidants:

1. The Permittee is required to monitor for this parameter only if Ohio EPA has approved the use of a water treatment additive in the cooling water system, which releases bromine; and
2. Monitoring is required once per month during months when the water treatment additive is used.
3. During months when the water treatment additive is not used, enter code "AH" and enter, "Water treatment additive that releases bromine was not used" in the Remarks section.

g. Quarterly - Alt means sampling must be conducted in the months of March, June, September, and December.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. 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 outfall 3IE00013024. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 024 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Weekly		Monthly		Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Day	Grab	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
34044 - Oxidants, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

Notes for Station Number 3IE00013024:

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 data entry form and PIN the eDMR.

b. Total Residual Chlorine:

Monitoring for this parameter is only required if chlorine is in use. On months that chlorine is not used in the cooling water system, enter "AH" on the first day of the eDMR for the parameter.

c. Total Residual Oxidants:

1. The Permittee is required to monitor for this parameter only if Ohio EPA has approved the use of a water treatment additive in the cooling water system, which releases bromine; and
2. Monitoring is required once per month during months when the water treatment additive is used.
3. During months when the water treatment additive is not used, enter code "AH" and enter, "Water treatment additive that releases bromine was not used" in the Remarks section.

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. During the period beginning on the effective date of this permit modification and lasting until August 31, 2021, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IE00013098. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Calculated Outfall/Station - 098 - Initial - 098 - Initial

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00530 - Total Suspended Solids - mg/l	62	-	-	25	2350	-	948	1/Week	Calculated	All
00951 - Fluoride, Total (F) - mg/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01009 - Barium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01118 - Chromium, Total Recoverable - ug/l	772	-	-	414	29.2	-	15.7	1/Month	Calculated	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Calculated	All
31648 - E. coli - #/100 ml	-	-	-	126	-	-	-	1/Month	Calculated	Summer
34044 - Oxidants, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Calculated	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Calculated	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Month	Calculated	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	8.0	0.0643	-	0.000303	1/Month	Calculated	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	21	-	-	-	-	-	-	2/Year	Calculated	June and Oct.
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	2/Year	Calculated	June and Oct.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>						<u>Monitoring Requirements</u>			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
70300 - Residue, Total Filterable - mg/l	-	-	-	17510	-	-	549221	1/Week	Calculated	All

Notes for Station Number 3IE00013098:

- a. Outfall 3IE00013098 represents the sum of the regulated outfalls 3IE00013013 and 3IE00013023. This calculated station contains facility-wide water quality limits based on the wasteload allocation and applicable effluent limitation guidelines. Report the flow weighted concentration for stations 3IE00013013 and 3IE00013023. For flow, report the sum of flows for 3IE00013013 and 3IE00013023 for each sampling day.
- b. Effluent loadings based on an average design flow of 10.0 MGD.
- c. Mercury - See Part II, Items W, X, and Y.
- d. Copper - See Part II, Item G.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

7. During the period beginning on September 1, 2021 and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IE00013098. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Calculated Outfall/Station - 098 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
00530 - Total Suspended Solids - mg/l	62	-	-	25	2350	-	948	1/Week	Calculated	All
00951 - Fluoride, Total (F) - mg/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01009 - Barium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
01118 - Chromium, Total Recoverable - ug/l	772	-	-	414	29.2	-	15.7	1/Month	Calculated	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Calculated	All
31648 - E. coli - #/100 ml	-	-	-	126	-	-	-	1/Month	Calculated	Summer
34044 - Oxidants, Total Residual - mg/l	0.053	-	-	0.041	-	-	-	1/Month	Calculated	All
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	1/Quarter	Calculated	Quarterly - Alt.
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Calculated	All
50060 - Chlorine, Total Residual - mg/l	0.21	-	-	0.163	-	-	-	1/Month	Calculated	All
50092 - Mercury, Total (Low Level) - ng/l	1700	-	-	8.0	0.0643	-	0.000303	1/Month	Calculated	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	21	-	-	-	-	-	-	2/Year	Calculated	June and Oct.
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	2/Year	Calculated	June and Oct.

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
70300 - Residue, Total Filterable - mg/l	-	-	-	17510	-	-	549221	1/Week	Calculated	All

Notes for Station Number 3IE00013098:

- a. Outfall 3IE00013098 represents the sum of the regulated outfalls 3IE00013013 and 3IE00013023. This calculated station contains facility-wide water quality limits based on the wasteload allocation and applicable effluent limitation guidelines. Report the flow weighted concentration for stations 3IE00013013 and 3IE00013023. For flow, report the sum of flows for 3IE00013013 and 3IE00013023 for each sampling day.
- b. Effluent loadings based on an average design flow of 10.0 MGD.
- c. Mercury - See Part II, Items W, X, and Y.
- d. Copper - See Part II, Item G.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

8. 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 outfall 3IE00013611. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Internal Monitoring Station - 611 - 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			
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All
00530 - Total Suspended Solids - mg/l	45	-	-	30	-	-	-	1/Month	Grab	All
01350 - Turbidity, Severity - Units	-	-	-	-	-	-	-	1/Day	Estimate	All
80082 - CBOD 5 day - mg/l	40	-	-	25	-	-	-	1/Month	Grab	All

Notes for station 3IE00013611:

a. Turbidity - See Part II, Item I.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

9. 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 outfall 3IE00013621. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Internal Monitoring Station - 621 - 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			
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All
00530 - Total Suspended Solids - mg/l	45	-	-	30	-	-	-	1/Month	Grab	All
01350 - Turbidity, Severity - Units	-	-	-	-	-	-	-	1/Day	Estimate	All
80082 - CBOD 5 day - mg/l	40	-	-	25	-	-	-	1/Month	Grab	All

Notes for station 3IE00013621:

a. Turbidity - See Part II, Item I.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

10. 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 outfall 3IE00013622. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Internal Monitoring Station - 622 - 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			
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All
00530 - Total Suspended Solids - mg/l	45	-	-	30	-	-	-	1/Month	Grab	All
01350 - Turbidity, Severity - Units	-	-	-	-	-	-	-	1/Day	Estimate	All
80082 - CBOD 5 day - mg/l	40	-	-	25	-	-	-	1/Month	Grab	All

Notes for station 3IE00013622:

a. Turbidity - See Part II, Item I.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

11. 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 outfall 3IE00013623. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Internal Monitoring Station - 623 - 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			
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Day	Grab	All
39180 - Trichloroethylene - ug/l	-	-	-	-	-	-	-	1/Week	Grab	All
39516 - PCBS - ug/l	-	-	-	0.0028	-	-	-	1/Week	Grab	All
46363 - Cis-1,2-Dichloroethylene, Total - ug/l	-	-	-	-	-	-	-	1/Week	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All

Notes for station 3IE00013623:

- 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 data entry form and PIN the eDMR.
- b. The discharge must not contain any PCBs. All samples analyzed for PCBs must be below the Ohio EPA Quantification Level (OEPA QL) as reported under reporting code 39516 (see Part II, Item N).

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 3IE00013588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
80991 - Sludge Volume, Gallons - Gals	-	-	-	-	-	-	-	1/Year	Total	December

NOTES for Station Number 3IE00013588

- a. Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight or sludge volume transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR).
- b. If no sewage sludge is removed from the Permittee's facility for transfer to another NPDES permit holder during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.
- c. See Part II, Item P.

Part I, C. - SCHEDULE OF COMPLIANCE

1. Schedule to Meet Final Effluent Limitations for Total Residual Chlorine and Total Residual Oxidants

The permittee shall achieve compliance with the final effluent limitations for outfall 3IE00013098, as specified in Part I, A of this permit modification, in accordance with the following schedule:

- a. Within 6 months of the effective date of this permit modification, the permittee shall submit a status report detailing the actions taken, or progress made, toward achieving compliance with the final effluent limitations. (Event Code 95999)
- b. The permittee shall notify the Ohio EPA Northeast District Office, Division of Surface Water, within 14 days of achieving compliance with the final effluent limitations.

Part II, OTHER REQUIREMENTS

A. Operator Certification Requirements

1. Classification

a. In accordance with Ohio Administrative Code 3745-7-04, the sewage treatment facilities at Cristal USA Inc. shall be classified as Class A facilities.

2. Operator of Record

a. The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and sewerage (collection) system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.

b. 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 A.1 of this NPDES permit.

c. 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://epa.ohio.gov/Portals/28/documents/opcert/Operator%20of%20Record%20Notification%20Form.pdf>

d. 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.

3. Minimum Staffing Requirements

a. 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.

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

Sampling Station	Description of Location
3IE00013013 . .	Ashtabula Plant I discharge to off-shore diffuser near 2715 Lake Road, prior to combination with the discharge from 3IE00013023. (Lat: 41 N 53' 43"; Long: 80 W 44' 56")
3IE00013017 . . .	Runoff to sedimentation basin (Lat: 41 N 54' 24"; Long: 80 W 43' 44") [Emergency use only - emergency storm water overflow from contact water basin to landfill sedimentation basin].
3IE00013018 .	Runoff to the north silt trap from east ditch. (Lat: 41 N 54' 26"; Long: 80 W 43' 43")
3IE00013023 . .	Ashtabula Plant II discharge to the off-shore diffuser near 2715 Lake Road, prior to combination with the discharge from 3IE00013013. (Lat: 41 N 53' 32"; Long: 80 W 46' 11")
3IE00013024	Discharge from the cooling pond at the Air Separation Facility.
3IE00013098 . .	A fictitious outfall that is the combination of outfalls 3IE00013013 and 3IE00013023. This is not a physical location; no samples are collected. Located 5,000 ft. off-shore near 2715 Lake Road.
3IE00013586 .	Sanitary sludges prior to disposal at a licensed sanitary landfill. [Emergency use only].
3IE00013588	Sanitary sludges hauled to another NPDES facility.
3IE00013611 .	Ashtabula Plant I sanitary wastewater treatment plant discharge prior to 3IE00013013.
3IE00013621 .	Ashtabula Plant II oxide operation extended aeration sanitary wastewater treatment plant discharge prior to 3IE00013023.
3IE00013622 .	Ashtabula Plant II titanium tetrachloride trickling filter sanitary wastewater treatment plant discharge prior to 3IE00013023.
3IE00013623 . .	Ashtabula Plant II treatment system discharge for polychlorinated biphenyl stormwater and infiltration water from Fields Brook prior to discharge to 3IE00013023.

C. 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.

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

E. In the event that the permittee's operation requires the use of cooling or boiler water treatment additives that are discharged to surface waters of the state, written permission must be obtained from the director of the Ohio EPA prior to use. Discharges of these additives must meet Ohio Water Quality Standards and shall not be harmful or inimical to aquatic life. Reporting and testing requirements to apply for permission to use additives can be obtained from the Ohio EPA, Central Office, Division of Surface Water, NPDES Permit Unit. This information is also available on the DSW website:

http://www.epa.ohio.gov/portals/35/policy/01_22u2.pdf .

F. Storm Water Outfalls

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

Outfall	Description of Location
3IE00013017	Runoff to sedimentation basin (Lat: 41 N 54' 24"; Long: 80 W 43' 44")
.	[Emergency use only - emergency storm water overflow from
.	contact water basin to landfill sedimentation basin].
3IE00013018	Runoff to the north silt trap from east ditch. (Lat: 41 N 54' 26"; Long: 80 W 43' 43")
.	
3IE00013025	Drainage area of cogeneration building, compressor building, parking and access way, and an undeveloped, grassy area. (Lat. 41.890436, Long. -80.760828)
.	
.	

Discharge of storm water comingled with landfill Contact Water through Outfall 3IE00013017 is prohibited. The Director may take enforcement action for violations of this prohibition unless the three conditions specified in 40 CFR 122.41(m) and in Part III, Item 11.C.1 of this permit are met and the permittee is unable to collect and treat the water through a publicly-owned treatment works, Plant I's wastewater treatment system, or Plant II's wastewater treatment system. If a discharge occurs with landfill Contact Water, the following sampling requirements apply at Outfall 3IE00013017. These requirements are in addition to the stormwater monitoring and reporting requirements detailed in Parts IV, V, and VI.

Effluent Characteristic Parameter Sampling Freq.	Measuring Frequency	Monitoring Requirements Sampling Type	
00400 - pH - S.U.	When Disc.	Grab	Daily
00530 - Total Suspended Solids - mg/L	When Disc.	Grab	Daily
00630 - Nitrite Plus Nitrate, Total - mg/L Weekly	When Disc.	Grab	
01074 - Nickel, Total Recoverable - ug/L	When Disc.	Grab	Weekly
01094 - Zinc, Total Recoverable - ug/L	When Disc.	Grab	Weekly
01105 - Aluminum, Total - ug/L Weekly	When Disc.	Grab	
01118 - Chromium, TR - ug/L	When Disc.	Grab	Weekly
01119 - Copper, TR - ug/L	When Disc.	Grab	Weekly
50050 - Flow Rate - MGD	When Disc.	24hr Total Est.	Daily
70300 - Residue, Total Filterable - mg/L Weekly	When Disc.	Grab	

An eDMR for Outfall 3IE00013017 must be submitted every month. If there are no discharges during the entire month, select the "No Discharge" check box on the data entry form and PIN the eDMR.

G. Tracking of Group 4 Parameters

A preliminary effluent limit (PEL) has been provided below for parameters with a projected effluent quality (PEQ) equivalent to or exceeding seventy-five percent of the PEL. In accordance with rule 3745-33-07(A)(2) of the Ohio Administrative Code, the permittee must report in writing, any effluent concentration sample result greater than the PEL values listed below to Ohio EPA, Northeast District Office. Written notification must be submitted within 30 days of an effluent concentration sample result that exceeds the PEL and must detail the reasons why the PEL has been exceeded and the expectation of continued levels above the PEL.

Parameter	PEL - 30 day	PEL - Maximum
Copper - Outfall 3IE00013098	111 ug/L	177 ug/L

The permittee shall reduce discharge levels to below the PEL if either of the following conditions are met:

1. The maximum detected concentration per month is greater than the maximum PEL for four or more months during any consecutive six month period; or
2. The thirty-day average for any pollutant is greater than the average PEL for two or more months during any consecutive six month period; and

If the permittee cannot reduce discharge levels below the PEL within six months after either of conditions 1 or 2 above are met, the permittee may request to modify the permit to contain a compliance schedule. This request shall contain justification for the additional time necessary to reduce discharge levels.

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

I. Use the following table to determine the value between 0 and 4 to report to report Severity Units for turbidity.

REPORTED VALUE*	SEVERITY DESCRIPTION	TURBIDITY
0	None	Clear
1	Mild	
2	Moderate	Light Solids
3	Serious	
4	Extreme	Heavy Solids

* Interpolate between the descriptive phrases.

J. Composite samples for Bis (2-ethylhexyl) Phthalate at Outfalls 3IE00013013 and 3IE00013023 shall be comprised of at least three grab samples proportionate in volume to the flow rate at the time of sampling and collected at intervals of at least 30 minutes, but not more than 2 hours, during the period that the plant is staffed on each day for sampling. The samples shall be collected in glass to eliminate the potential for contamination from plastic containers. Such samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

K. Composite samples for all other outfalls and internal stations 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.

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

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

N. 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
Polychlorinated Biphenyls (PCBs)	0.50 ug/L	--
Chlorine, 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).

O. 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.

P. Sewage Sludge

1. All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code and any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.
2. No later than March 1 of each calendar year, the Permittee shall submit a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the Permittee during the previous calendar year. The report shall be submitted through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service.

3. The Permittee is authorized to dispose of sewage sludge in a sanitary landfill in emergency situations only. Station 586 for disposal in a sanitary landfill is included in the authorized list of station(s) in Part II, Item B. of this permit, however, effluent tables are not included in Part 1.B. If this station must be used in an emergency situation, the Permittee must report the total amount of sludge taken to a landfill on the Permittee's Annual Sludge Report. The Discharge Monitoring Report (DMR) should not be used to report under this paragraph.

Q. Outfall Signage

The permittee shall maintain a permanent sign for the following outfalls regulated under this NPDES permit: 3IE00013017, 3IE00013018, and 3IE00013025. This includes final outfalls, bypasses, and combined sewer overflows. The sign shall include, at a minimum, the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.

R. Reserved.

S. Biomonitoring Program Requirements

The entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfalls 3IE00013013 and 3IE00013023 and provide a flow-weighted average for outfall 3IE00013098.

1. 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.

2. Testing Requirements

a. Acute Bioassays

For the duration of the permit, the permittee shall conduct semi-annual definitive acute toxicity tests using *Ceriodaphnia dubia* and fathead minnows (*Pimephales promelas*) on effluent samples from outfalls 3IE00013013 and 3IE00013023. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance.

b. Testing of Ambient Water

Testing of ambient waters or control waters shall be done in accordance with Section 2 of the biomonitoring guidance.

3. Data Review

a. Reporting

Following completion of each semi-annual bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1. and 2.H.2.a. of the biomonitoring guidance, including reporting the results on the monthly DMR and submitting a copy of the complete test report to Ohio EPA, Division of Surface Water. The test report may be submitted electronically using the acute or chronic NPDES Biomonitoring Report Form available through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service. Alternatively, the permittee may submit a hard copy of the report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049.

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

b. Definitions

TU_a = Acute Toxicity Units = 100/LC₅₀

T. Tracking of Specialized Waste Streams

1. The permittee shall submit to Ohio EPA, Northeast District Office Division of Surface Water on an annual basis all test results of the Cristal USA Inc. Ashtabula Plant I Industrial Waste Landfill leachate which are above detection levels. Each year's results must be submitted by the proceeding January.
2. If U.S. EPA requires monitoring of the landfill's contact water basin due to the results of the leachate monitoring data, notification shall be sent to Ohio EPA, Northeast District Office, Division of Surface Water upon commencement of the monitoring, and upon receipt by the permittee, the monitoring results shall be forwarded to Ohio EPA.
3. If the PCB concentration is at or above 0.5 ppb, or if U.S. EPA determines that the other parameters required in Y.1. above are still at levels of significant concentrations, the permittee shall monitor all parameters of exceedance on a monthly basis at the facility's 3IE00013013 outfall for as long as U.S. EPA requires monthly monitoring of the parameters at the contact water basin.

U. Reserved.

V. Reserved.

W. General Mercury Variance

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

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

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

1. As conditions of this variance, the permittee shall meet the following requirements:
 - a. The permittee shall comply with the effluent limitations for mercury at outfall 3IE00013098 given in Part I, A of this permit.
 - b. The permittee shall make reasonable progress towards attaining the monthly average water quality based effluent limit for mercury by complying with the general mercury variance conditions included in this NPDES permit.
 - c. The permittee shall use EPA Method 1631 to comply with the influent and effluent mercury monitoring requirements of this permit.
 - d. The permittee shall continue implementing their monitoring program consistent with the plan of study as included in the permittee's mercury variance application submitted on June 27, 2016 and any other relevant information submitted by the permittee.
 - e. The permittee shall assess the impact of the mercury variance on public health, safety, and welfare by, as a minimum, monitoring for mercury in the facility's influent and effluent as required by this NPDES permit.
 - f. The permittee shall achieve an annual average mercury effluent concentration equal to or less than 12 ng/l, as specified in the plan of study submitted with the permittee's mercury variance application.
 - g. On or prior to March 1 of each year, the permittee shall submit two copies of an annual PMP report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049. The annual PMP report shall include:
 - i. All minimization program monitoring results for the year
 - ii. A list of potential sources of mercury
 - iii. A summary of all actions taken to meet the effluent limits for mercury
 - iv. Any updates of the control strategy, including actions planned to reduce the levels of mercury in the treatment plant's final effluent

The Ohio EPA Annual Mercury PMP Report and Appendices are available on the Division of Surface Water Permits Program Technical Assistance web page at

http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx . Open the Mercury list.

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

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

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

a. If at any time after the date specified in this variance by which the permittee must meet an average annual mercury effluent concentration of 12 ng/l or after the Director's final approval of a variance renewal, whichever is earlier, the permittee's annual average mercury effluent concentration exceeds 12 ng/l, the permittee shall:

- i. Notify Ohio EPA's Northeast District Office not later than 30 days from the date of the exceedance.
- ii. Submit an individual variance application, if a variance is desired, not later than 6 months from the date of the exceedance; or
- iii. Request a permit modification not later than 6 months from the date of the exceedance for a compliance schedule to attain compliance with the water quality based effluent limits for mercury.

b. If the permittee complies with either 2.a.ii or 2.a.iii, above, the general mercury variance conditions included in this NPDES permit will remain in effect until the date that the Director acts on the individual variance application or the date that the permit modification becomes effective.

c. If the permittee does not comply with either 2.a.ii or 2.a.iii, above, a monthly water-quality based effluent limit for mercury of 1.3 ng/l shall apply at Outfall 3IE00013098 beginning 6 months from the date of the exceedance.

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

X. Permit Reopener for Mercury Variance Revisions

Ohio EPA may reopen and modify this permit at any time based upon Ohio EPA water quality standard revisions to the mercury variance granted in Part II, Item W of this permit.

Y. Renewal of Mercury Variance

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

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

Z. Reserved

AA. Off-shore Monitoring Annual Report

A downstream monitoring station is not included in Part I, B. for the new final outfall location, 3IE00013098; instead an annual report will be required to present "downstream" monitoring data in Lake Erie.

Beginning in 2019 and annually thereafter, the permittee shall submit a monitoring report on or prior to September 1 to the Ohio EPA Northeast District Office. The annual monitoring report shall include monitoring results at various depths and distances from the diffuser to analyze the receiving water. Analysis must include, but not be limited to, total filterable residue, specific conductance, temperature, and velocity of effluent out of the diffuser. The velocity of the effluent may be estimated instead of monitored.

AB. Mixing Zone Confirmation Study

To satisfy off-shore monitoring, the permittee shall also submit an Mixing Zone Confirmation Study with the submittal of NPDES permit renewal applications. The study shall include the following:

- a. A report confirming the dispersion ratios utilizing tracer dye or other equivalent analytical methodology.
- b. Monitoring results at various depths and distances from the diffuser to analyze the "downstream" receiving water in Lake Erie. The analysis must include, but not be limited to, total filterable residue, specific conductance, and temperature.
- c. Ambient background monitoring of the "upstream" receiving water in Lake Erie.
- d. An assessment of the multiport diffuser performance.

AC. Compliance milestones under Part II, Item AA & AB will extend beyond the term of the modified permit and will be included in the subsequent NPDES permit renewal.

AD. Cooling Water Intake Structure Minimization of Entrainment and Impingement

The permittee purchases cooling water from the Ashtabula County Port Authority which maintains a cooling water intake structure which is designed to withdraw 30 MGD but has an average withdrawal rate of 20 MGD. The permittee withdraws approximately 6.3 MGD.

The permittee shall reduce impingement mortality and entrainment commensurate with the implementation of the technologies or operational measures selected. Based on the selected technologies and operational measures below, the intake meets the best technology available.

Impingement mortality option - 40 CFR 125.94(c)(2) Design through-screen velocity of less than 0.5 ft/s.

The through-screen design velocity is 0.21 ft/s.

Entrainment mortality best technology available includes the following which will reduce impingement mortality as well:

1. The facility uses recirculating cooling systems which reduce intake flow by approximately 95 percent.
2. The intake location is approximately 4,000 feet off-shore.

AE. Cooling Water Intake Structure Monitoring Requirements

The permittee is required to perform the following monitoring to demonstrate compliance with the performance standards of Part II.AD.

1. Visual or Remote Inspections

The permittee shall either conduct weekly visual inspections or employ remote monitoring devices during the period the cooling water intake structure is in operation. Weekly inspections are not required for the off-shore intake crib.

Should the facility be performing work or an inspection on the offshore intake crib scheduled as a result of maintenance or conditions required by other regulatory agencies, the permittee shall also perform an inspection (remotely or visually) of the offshore intake crib for 316(b) purposes. The inspection, for 316(b) purposes, will ensure that the offshore intake crib is being operated with good engineering and maintenance practices. The results of the inspection shall be documented and retained by the facility for Agency review until the subsequent permit is issued.

AF. Cooling Water Intake Structure Record Keeping and Reporting Requirements

1. Record Keeping Requirements The permittee shall keep records of all the data used to complete the permit application and show compliance with the requirements of the 316(b) regulations until the subsequent permit is re-issued.

2. Reporting Requirements

a. The permittee shall submit an annual certification statement signed by the responsible corporate officer indicating whether there have been any substantial modifications of any units that impact the cooling water withdrawals and a summary of those changes. In addition, revisions must be submitted to the information required at 40 CFR 122.21(r) during the next permit application when new information is available. See also 40 CFR 125.96(c) for application waiver information.

b. The permittee shall also provide the annual reports submitted to Ohio Department of Natural Resources regarding water withdrawal from ASHCO 1 cooling water intake structure. The reports may be included with the annual certification submitted described in Part II.AF.2.a above.

AG. Endangered Species Act

Nothing in this permit authorizes the take of threatened or endangered species of fish and wildlife.

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," "not 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 LIMITATIONS

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

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

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

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 corporations - 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 the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which 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 partnerships - a general partner;
3. For a sole proprietorship - the proprietor; or,
4. For a municipality, state or other public facility - a principal executive officer, a 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:

<http://epa.ohio.gov/dsw/edmr/eDMR.aspx>

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water - PCU
P.O. Box 1049
Columbus, Ohio 43216-1049

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 insure 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.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

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:

<http://epa.ohio.gov/dsw/permits/individuals.aspx>

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.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

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

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

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

- a. The name of the permittee, and a contact name and telephone number;
 - b. The time(s) at which the discharge occurred, and was discovered;
 - c. The approximate amount and the characteristics of the discharge;
 - d. The stream(s) affected by the discharge;
 - e. The circumstances which created the discharge;
 - f. The name and telephone number of the person(s) who have knowledge of these circumstances;
 - g. What remedial steps are being taken; and,
 - h. The name and telephone number of the person(s) responsible for such remedial steps.
2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.
- C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.
- D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:
1. The compliance event which has been or will be violated;
 2. The cause of the violation;
 3. The remedial action being taken;
 4. The probable date by which compliance will occur; and,
 5. The probability of complying with subsequent and final events as scheduled.
- E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.
- F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

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

15. AUTHORIZED DISCHARGES

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

16. DISCHARGE CHANGES

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

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

B. For publicly owned treatment works:

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

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

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

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

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

17. TOXIC POLLUTANTS

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

18. PERMIT MODIFICATION OR REVOCATION

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

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

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

19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

At anytime 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.