

Application No. OH0149161

Action Date: March 1, 2022

Effective Date: March 1, 2022

Expiration Date: February 28, 2027

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

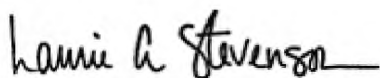
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Mt. Perry Nutrient Storage LLC  
Mt. Perry Nutrient Storage Facility

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to monitor groundwater and beneficially use class B biosolids from the Mt. Perry Nutrient Storage Facility located at County Road 34, Mt. Perry, Ohio, Perry County in accordance with the conditions specified in Parts I, II, and III of this permit.

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

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



Laurie A. Stevenson  
Director

Total Pages: 30

## Part I, B. - BIOSOLIDS MONITORING REQUIREMENTS

1. Biosolids Monitoring. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee shall monitor the facility's final biosolids at Station Number 0IN00285581, 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 - 581 - 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			
00552 - Oil and Grease, Hexane Extr Method - mg/l	-	-	-	-	-	-	-	1/Month	Composite	All
00611 - Ammonia (NH3) In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
00627 - Nitrogen Kjeldahl, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
00668 - Phosphorus, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
00938 - Potassium In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01003 - Arsenic, Total In Sludge - mg/kg	75	-	-	41	-	-	-	1/Month	Composite	All
01028 - Cadmium, Total In Sludge - mg/kg	85	-	-	39	-	-	-	1/Month	Composite	All
01043 - Copper, Total In Sludge - mg/kg	4300	-	-	1500	-	-	-	1/Month	Composite	All
01052 - Lead, Total In Sludge - mg/kg	840	-	-	300	-	-	-	1/Month	Composite	All
01068 - Nickel, Total In Sludge - mg/kg	420	-	-	420	-	-	-	1/Month	Composite	All
01093 - Zinc, Total In Sludge - mg/kg	7500	-	-	2800	-	-	-	1/Month	Composite	All
01148 - Selenium, Total In Sludge - mg/kg	100	-	-	100	-	-	-	1/Month	Composite	All
31641 - Fecal Coliform in Sludge - MPN/G	2000000	-	-	-	-	-	-	1/Month	Multiple Grab	All
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Month	Total	All
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	-	1/Month	Total	All
70318 - Sludge Solids, Percent Total - %	-	-	-	-	-	-	-	When Disch.	Composite	All
70322 - Sludge Solids, Percent Volatile - %	-	-	-	-	-	-	-	1/Month	Composite	All
71921 - Mercury, Total In Sludge - mg/kg	57	-	-	17	-	-	-	1/Month	Composite	All

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency		Sampling Type		Monitoring Months	
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
78465 - Molybdenum In Sludge - mg/kg	75	-	-	-	-	-	-	1/Month	Composite	All
82564 - Freeboard - feet	-	1.75	-	-	-	-	-	1/Week	Calculated	All

NOTES for Station Number 0IN00285581:

a. Monitoring is required when Class B biosolids are removed from the facility for beneficial use. The monitoring data shall be reported monthly on each Electronic Discharge Monitoring Report (eDMR). The monitoring data can be collected at any time during the reporting period.

b. It is recommended that composite samples of the biosolids be collected and analyzed close enough to the time of beneficial use to be reflective of the biosolids' current quality, but not so close that the results of the analysis are not available prior to the beneficial use of biosolids.

c. Metal pollutant analysis must be completed during each reporting period, whether biosolids are removed from the treatment works or not, or the number of composite samples collected and reported shall be increased prior to the next beneficial use event to account for the reporting period(s) in which beneficial use did not occur, unless all previously accumulated biosolids have been removed and disposed of via a landfill or by transfer to another treatment works.

d. If no biosolids are removed during the month, for each reporting period the permittee shall report under station 581 by selecting the "No Discharge" box on the data entry form. Pin the eDMR.

e. Freeboard shall be reported weekly when the pond is at 50% or greater capacity.

f. Each day when biosolids are removed from the storage facility, a representative sample of biosolids shall be collected and analyzed for percent total solids. The test methodology used shall be from the latest edition, Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation.

g. To convert from gallons of liquid biosolids to dry tons of biosolids dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

h. Units of mg/kg are on a dry weight basis

## Part I, B. - WELL MONITORING REQUIREMENTS

2. Well Monitoring. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee shall monitor the Well at Station Number 0IN00285701, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Well Monitoring - 701 - 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			
00011 - Water Temperature - F	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00094 - Conductivity - Umho/Cm	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00400 - pH - S.U.	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00410 - Alkalinity, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00615 - Nitrogen, Nitrite (NO2) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00620 - Nitrogen, Nitrate (NO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00937 - Potassium, Total (K) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day			Measuring Frequency		Sampling Type	Monitoring Months	
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
31505 - Coliform, Total - #/100 ml	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4

NOTES for Station Number 0IN00285701

- a. Significant Zone of Saturation: monitoring well MW-1. Up-gradient well.
- b. Monitoring Months are Semi-Annual-4. : Collect and report samples during April or May and November or December, when the wells have sufficient volume for sampling.
- c. Sampling must occur at all three monitoring wells on same day to complete a sampling set.
- d. Initial background sampling is one full sample set of the three monitoring wells.
- e. Biosolids are prohibited from being transferred to and stored within the Mt. Perry Nutrient Storage Pond until all the groundwater monitoring wells are initially sampled (see d. above) and the results from the chemical analysis of the samples are reported to Ohio EPA.
- f. At this time, ground water availability is thought to be seasonally controlled. Therefore, the permit holder shall measure the static water level and attempt to sample this monitoring well every 6 weeks for the first two years of the pond's operation. When all the monitoring wells have a sufficient volume for sampling then sampling shall be performed. This frequency of sampling shall continue until a full set of 8 samples has been collected from the site's monitoring well network. After 8 samples have been collected, sampling frequency may be conducted on a semi-annual basis as stipulated in note "b" above. See Part II. Item FF.3. for reporting requirements for static water level and volume of water in well.
- g. Groundwater sampling reports shall be submitted to the Ohio EPA Southeast District Office within 75 days of sample collection. See Part II, EE for contact information.
- h. See Part II, Item Q, R, S, FF, GG & JJ.
- i. Semi-Annual sampling is required beginning in year 2 of pond operation. A modification may be submitted to Ohio EPA for review and approval to reduce sampling after year 3 sampling and reporting is completed.
- j. Groundwater sampling reports shall be submitted to Ohio EPA Southeast District Office as detailed in the authorized "Groundwater Monitoring Plan for the Mt. Perry Nutrient Storage". See Part II, EE for contact information.

## Part I, B. - WELL MONITORING REQUIREMENTS

3. Well Monitoring. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee shall monitor the Well at Station Number 0IN00285702, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Well Monitoring - 702 - 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			
00011 - Water Temperature - F	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00094 - Conductivity - Umho/Cm	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00400 - pH - S.U.	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00410 - Alkalinity, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00615 - Nitrogen, Nitrite (NO2) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00620 - Nitrogen, Nitrate (NO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00937 - Potassium, Total (K) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day			Measuring Frequency		Sampling Type	Monitoring Months	
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
31505 - Coliform, Total - #/100 ml	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4

NOTES for Station Number 0IN00285702

- a. Significant Zone of Saturation: monitoring well MW-2. Down-gradient well.
- b. Monitoring Months are Semi-Annual-4. : Collect and report samples during April or May and November or December, when the wells have sufficient volume for sampling.
- c. Sampling must occur at all three monitoring wells on same day to complete a sampling set.
- d. Initial background sampling is one full sample set of the three monitoring wells.
- e. Biosolids are prohibited from being transferred to and stored within the Mt. Perry Nutrient Storage Pond until all the groundwater monitoring wells are initially sampled (see d. above) and the results from the chemical analysis of the samples are reported to Ohio EPA.
- f. At this time, ground water availability is thought to be seasonally controlled. Therefore, the permit holder shall measure the static water level and attempt to sample this monitoring well every 6 weeks for the first two years of the pond's operation. When all the monitoring wells have a sufficient volume for sampling then sampling shall be performed. This frequency of sampling shall continue until a full set of 8 samples has been collected from the site's monitoring well network. After 8 samples have been collected, sampling frequency may be conducted on a semi-annual basis as stipulated in note "b" above. See Part II. Item FF.3. for reporting requirements for static water level and volume of water in well.
- g. Groundwater sampling reports shall be submitted to the Ohio EPA Southeast District Office within 75 days of sample collection. See Part II, EE for contact information.
- h. See Part II, Item Q, R, S, FF, GG & JJ
- i. Semi-Annual sampling is required beginning in year 2 of pond operation. A modification may be submitted to Ohio EPA for review and approval to reduce sampling after year 3 sampling and reporting is completed.
- j. Groundwater sampling reports shall be submitted to Ohio EPA Southeast District Office as detailed in the authorized "Groundwater Monitoring Plan for the Mt. Perry Nutrient Storage". See Part II, EE for contact information.

## Part I, B. - WELL MONITORING REQUIREMENTS

4. Well Monitoring. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee shall monitor the Well at Station Number 0IN00285703, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Well Monitoring - 703 - 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			
00011 - Water Temperature - F	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00094 - Conductivity - Umho/Cm	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00400 - pH - S.U.	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00410 - Alkalinity, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00615 - Nitrogen, Nitrite (NO2) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00620 - Nitrogen, Nitrate (NO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00937 - Potassium, Total (K) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4



Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day					Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
31505 - Coliform, Total - #/100 ml	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual - 4

NOTES for Station Number 0IN00285703

- a. Significant Zone of Saturation: monitoring well MW-3. Down-gradient well.
- b. Monitoring Months are Semi-Annual-4. : Collect and report samples during April or May and November or December, when the wells have sufficient volume for sampling.
- c. Sampling must occur at all three monitoring wells on same day to complete a sampling set.
- d. Initial background sampling is one full sample set of the three monitoring wells.
- e. Biosolids are prohibited from being transferred to and stored within the Mt. Perry Nutrient Storage Pond until all the groundwater monitoring wells are initially sampled (see d. above) and the results from the chemical analysis of the samples are reported to Ohio EPA.
- f. At this time, ground water availability is thought to be seasonally controlled. Therefore, the permit holder shall measure the static water level and attempt to sample this monitoring well every 6 weeks for the first two years of the pond's operation. When all the monitoring wells have a sufficient volume for sampling then sampling shall be performed. This frequency of sampling shall continue until a full set of 8 samples has been collected from the site's monitoring well network. After 8 samples have been collected, sampling frequency may be conducted on a semi-annual basis as stipulated in note "b" above. See Part II. Item FF.3. for reporting requirements for static water level and volume of water in well.
- g. Groundwater sampling reports shall be submitted to the Ohio EPA Southeast District Office within 75 days of sample collection. See Part II, EE for contact information.
- h. See Part II, Item Q, R, S, FF, GG & JJ
- i. Semi-Annual sampling is required beginning in year 2 of pond operation. A modification may be submitted to Ohio EPA for review and approval to reduce sampling after year 3 sampling and reporting is completed.
- j. Groundwater sampling reports shall be submitted to Ohio EPA Southeast District Office as detailed in the authorized "Groundwater Monitoring Plan for the Mt. Perry Nutrient Storage". See Part II, EE for contact information.

## Part II, OTHER REQUIREMENTS

A. Description and location of the required sampling stations are listed below.

Sampling Station	Description of Location
0IN00285581	Beneficial Use of Class B Biosolids
0IN00285586	Disposal of biosolids in a sanitary landfill (Emergency Only)
0IN00285588	Transfer of biosolids to a permitted facility (Emergency Only)
0IN00285701	MW-1; LAT: 39.89842; LONG: 82.20277; Significant Zone of Saturation; up-gradient well.
0IN00285702	MW-2; LAT: 39.89857; LONG: 82.20503; Significant Zone of Saturation; down-gradient well
0IN00285703	MW-3; LAT: 39.89998; LONG: 82.20428; Significant Zone of Saturation; down-gradient well

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

C. Composite samples of biosolids shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the biosolids being withdrawn from the storage pond. A Standard Operating Procedure (SOP) that details how representative samples will be taken from the pond shall be submitted to Ohio EPA for acceptance within 30 days of the effective date of this permit. After acceptance, the SOP will become a condition of this permit. If an acceptable SOP as described above is not submitted, composite sampling requirements will be developed by Ohio EPA and made a condition of this permit.

D. No later than March 1 of each calendar year, the permittee shall submit an annual sludge report summarizing the biosolids storage, disposal, and beneficial use 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.

E. All biosolids stored in the Mt. Perry Nutrient Storage Pond shall meet the requirements of class B or exceptional quality (EQ) biosolids as defined in OAC 3745-40-04. All biosolids shall meet Vector Attraction Reduction (VAR) prior to transfer to the Mt. Perry Nutrient Storage Facility. Beneficial use of biosolids from the Mt. Perry Nutrient Storage Facility shall be in accordance with class B biosolids requirements in OAC 3745-40-08.

F. The Mt. Perry Nutrient Storage Pond is approved for only the storage and beneficial use of anaerobically digested Class B or EQ biosolids from the following facilities:

- Zanesville Energy, LLC -- NPDES Permit No. 0IN00264
- Buckeye Biogas, LLC -- NPDES Permit No. 3IN00380
- Lime Lakes Energy, LLC -- NPDES Permit No. 3IN00372
- Three Creek BioEnergy LLC -- NPDES Permit No. 3IN00373
- Collinwood Bioenergy, LLC -- NPDES Permit No. 3IN00371
- Other NPDES facilities with a 582 reporting station that documents the classification achieved (Class B or EQ) and the amount of treated biosolids that will be transferred to a regional storage facility.

G. Only EQ or Class B biosolids may be stored in the Mt. Perry Nutrient Storage Facility. No materials other than those set forth in this permit shall be accepted for storage without the prior written authorization of Ohio EPA.

H. The permittee is prohibited from storing or stockpiling any sewage sludge, class B biosolids, or other biosolids product at the Mt. Perry Nutrient Storage Facility outside the storage pond limits at any time.

I. Pursuant to OAC 3745-40-07(G) (3) (f) The storage of class B biosolids and operation of the Mt. Perry Nutrient Storage Facility shall not result in the generation of a nuisance odor as defined in OAC 3745-40-01(N)(4) and as determined by Ohio EPA. Should a nuisance odor be generated by storage of biosolids in the pond or operation of the pond, all necessary corrective actions shall be immediately implemented to alleviate the nuisance odor. Installation of appropriate odor control equipment, to eliminate or minimize the creation of such nuisance odors shall be implemented in accordance with an approved PTI. The Odor Mitigation Strategy submitted as a part of the PTI, and any updates to it that are accepted by Ohio EPA, shall be a condition of this permit including subsurface unloading and loading of biosolids when there is a sufficient level in the pond to do so.

#### J. MIXING AND AGITATION

1. Mixing/Agitation of the pond shall occur before and during a land application event.
2. The owner and operator shall minimize the generation and impact of odors from accepting biosolids or other disturbance to the storage pond to the extent practicable, including scheduling events that may generate additional odors to avoid peak residential outdoor times.

#### K. BENEFICIAL USE OF BIOSOLIDS

1. The permittee shall submit a notice of beneficial use site application and receive authorization to beneficially use class B biosolids prior to beneficial use of Class B biosolids. Notice of class B beneficial use site applications shall be submitted in accordance with OAC 3745-40-06. Beneficial use of class B biosolids shall comply with OAC 3745-40-08.

2. The beneficial use of biosolids shall not result in the generation of a nuisance odor, as determined by Ohio EPA. Should a nuisance odor be generated all necessary corrective actions shall be immediately implemented to eliminate the odor.

L. The following records shall be maintained and made available to Ohio EPA for review upon request:

1. Hauling manifests that document the generator, date, and volume in gallons of biosolids that were transported to the Mt. Perry Nutrient Storage Facility;
2. Hauling manifests that document the date, and volume in gallons of biosolids that were transported from the Mt. Perry Nutrient Storage Facility for beneficial use, transfer to another NPDES permitted facility, or disposal within a landfill;
3. The completed Monthly Mt. Perry Nutrient Storage Facility Inspection Forms and the actions taken to address observed issues;
4. Any complaints or other calls from residents and the actions taken to address them, related to the operation of the Mt. Perry Nutrient Storage Facility;
5. Records of the agronomic rate calculations that were utilized to determine the application rates of biosolids for each beneficial use site;
6. Precipitation forecasts during land application events;
7. Records of the annual volume or sludge weight of biosolids that were beneficially used;
8. Records of the types and quantities of feedstocks that were received by the permittees listed in Part II.F.;
9. All laboratory reports of all characterizations of the sludge/biosolids required by this permit;
10. Records of days when nuisance odors are observed or reported by individuals or the county health department.

M. Upon issuance of this permit, the applicant shall submit a monthly tracking sheet to Ohio EPA Southeast District Office and Ohio EPA Central Office, Biosolids Unit by the 20th of the following month. See Part II, EE for contact information. This tracking sheet shall be a daily documentation of, at a minimum, the following: the volume of each biosolids load received at the pond, the permit number of the biosolids generator for each load, the percent total solids of the biosolids received, the percent volatile solids result of each biosolids generator, the volume removed from the pond, the destination of the biosolids (Ohio EPA Site #s), and the percent total solids of the biosolids removed. The monthly report shall also include a summary of complaints received and the actions taken to address the complaints. Ohio EPA may request additional information be included in the monthly tracking sheet.

#### N. MAXIMUM OPERATING LEVEL

1. The storage level of the Mt Perry Storage Facility shall not exceed the approved maximum operating level (MOL) of the impoundment (MOL is 1.75 feet below the settled top of berm elevation).
2. The pond shall be equipped with a permanent level marker that clearly indicates the Maximum Operating Level (1.75 feet of freeboard); when the pond is within 6 inches of this level (2.25 feet of freeboard); and within a foot of this level (2.75 feet of freeboard). These level markers shall be calibrated and maintained to provide accurate measurements that can easily be viewed from the loading area. The Ohio EPA Southeast District Office shall be notified when the level is within 6 inches of the MOL. Actions shall be taken to ensure the MOL is not exceeded.
3. Biosolids shall not be hauled to the facility when the storage level is at or above MOL.
4. Should precipitation events result in a storage level above MOL, the permittee shall immediately notify Ohio EPA Southeast District Office and remove biosolids from the facility so that the storage level is below MOL.

O. Adequate biosolids storage volume shall be provided and maintained to enable the Mt. Perry Nutrient Storage Facility to comply with the MOL requirement, minimum facility storage requirement, and the beneficial use restrictions of OAC Section 3745-40-08. No later than September 15 of each year, the applicant shall evaluate the storage capacity of the pond and complete a storage evaluation form to be submitted to Ohio EPA by November 1. The storage evaluation should demonstrate that by December 1 the MOL will be maintained.

P. The permittee is authorized to dispose of biosolids from the Mt. Perry Nutrient Storage Facility in a sanitary landfill or by transfer to another NPDES permit holder in emergency situations only. Station 586 for disposal in a sanitary landfill and Station 588 for transfer of biosolids to another permit holder for treatment are included in the authorized list of stations in Part II. A. of this permit, however, tables are not included in Part I.B. If these stations must be used in an emergency situation, the permittee must report the total amount of biosolids taken to a landfill or to another facility on the permittee's Annual Sludge Report. The Discharge Monitoring Report (DMR) should not be used to report under this paragraph.

Q. The permittee shall follow all procedures of the "Groundwater Monitoring Plan for the Mt. Perry Nutrient Storage Facility," to be submitted and approved by the Ohio EPA as a condition of PTI 1401950. See Part II, Item FF, GG & KK.

R. Groundwater sampling reports as described in the footnotes for the background sampling of the monitoring wells in Part I, B and for the authorized groundwater monitoring plan, once it is accepted, shall be submitted to the Ohio EPA Southeast District Office within 75 days of collection of the samples.

S. In the event the Ohio EPA, following the approved groundwater monitoring program, determines that the Mt. Perry Nutrient Storage Facility has resulted in a discharge of pollutants to groundwater that exceed the background of pollutant concentrations, the facility shall, within thirty (30) days of being notified by Ohio EPA, submit a corrective action plan to Ohio EPA to identify and eliminate the discharge from the Mt. Perry Nutrient Storage Facility and to remediate the groundwater. The corrective action plan shall be immediately implemented upon authorization from Ohio EPA.

T. The storage pond, including the liner shall be inspected for structural integrity (including evidence of erosion, leakage, animal damage, problems of emerging vegetation) on a monthly basis. Inspection records shall be submitted to Ohio EPA Southeast District Office by the 20th of the following month. If the permittee or Ohio EPA determines that the geomembrane liner has been damaged, the liner must be repaired and re-certified in accordance with Ohio EPA PTI 1401950.

U. Mt. Perry Nutrient Storage Facility must be maintained to discourage nuisance vectors. Control of vegetation around the perimeter and within the pond shall be routinely performed to allow for visual inspection and access to the pond, to eliminate mosquito habitats, and to prevent damaging the liner or anchorage system. Should nuisance vectors associated with the pond occur, as determined by Ohio EPA or the health department, the applicant shall immediately implement all approved corrective actions to address the situation.

V. Fencing, other access control devices, and signage required in approved PTI 1401950 shall be maintained throughout the life of the facility.

## W. PROHIBITION AGAINST SURFACE DISPOSAL

1. Biosolids shall not be stored at this facility for a period of greater than two years.
2. For any two year period, if the permittee or Ohio EPA determines that the minimum volume of biosolids has not been hauled from the facility, and field availability and/or weather conditions are such that land application cannot occur, a sufficient amount of biosolids must be transferred or hauled from the facility such that the minimum volume requirement is met.

X. An updated Operational Plan shall be submitted to Ohio EPA Southeast District Office for acceptance within 14 days of the effective date of this permit. This plan shall include, at a minimum, a facility overview, material transfer description, SOPs for pond mixing/agitation and liner protection during these processes, winter storage evaluation, tree replacement plan, vegetation evaluation, and odor mitigation measures.(Event Code 88899)

Y. The Operational Plan submitted by the Permittee in Approved PTI 1401950 (modified February 11, 2022), is labeled the "Land Application Management Plan" (last revised February 2022). This Plan, and any approved updates to it, shall be implemented and maintained throughout the life of this facility as a condition of this permit.

Z. The Prevention/Contingency Plan for Spills at the Mt. Perry Nutrient Storage Facility included as part of PTI 1401950 shall be a condition of this permit.

AA. Any conditions that result in an unauthorized discharge, spill, or release from the storage facility, during transport, or during the beneficial use of biosolids shall be reported to Ohio EPA Southeast District Office by email or telephone within 24 hours of discovery and, if applicable, within 30 minutes of discovery in accordance with Part III.12.B.2.

BB. The permittee shall notify Ohio EPA within 7 days if the permittee no longer continues as the operator of the Mt. Perry Nutrient Storage Facility.

CC. The Mt. Perry Nutrient Storage Facility is not approved for disposal of material. In the event the Mt. Perry Nutrient Storage Facility is no longer actively operated such that the volume of the pond is not being replaced at least every two years, the pond must be closed in accordance with an approved PTI.

DD. Prior to placing the storage pond into service, the applicant shall demonstrate that the construction associated with the PTI was in accordance with the approved plans and specifications. A Professional Engineer registered in the State of Ohio shall certify that construction of the pond was completed in accordance with the approved plans and specifications and provide PE stamped as-built plans to Ohio EPA Southeast District Office.

#### EE. Ohio EPA Contact Information

Ohio EPA Southeast District Office  
Division of Surface Water  
2195 E. Front Street  
Logan, Ohio 43138  
Phone: (800) 686-7330  
Email: Stephen.Lear@epa.ohio.gov

Ohio EPA Central Office  
Division of Surface Water  
P. O. Box 1049  
Columbus, Ohio 43216  
Phone: (614) 644-2001  
Email: co24hournpdes@epa.ohio.gov

#### FF. SCHEDULE OF BACKGROUND SAMPLING

1. The initial background monitoring consists of one sample set.
2. An additional 7 sample sets of background samples (total of 8) shall be taken as soon as possible with at least 6 weeks apart when all wells have a sufficient volume for sampling within the first two years of operation. See part I. B. footnote f, for Station Number 0IN00285701; Station Number 0IN00285702; and Station Number 0IN00285703 for details.
3. No later than December 31 of each year the permittee shall submit to the Ohio EPA Southeast District Office a report summarizing: the dates monitoring wells are measured for the static water levels, water volume in monitoring wells, and if a sample was obtained for testing. This report is required until a total of eight (8) background sample sets are obtained from the monitoring well network. These 8 samples include the initial background sampling set, which was required prior to the operation of the storage pond. These background samples shall be taken within two years of the effective date of this permit. These reports are only required until the eight background samples are obtained or the 2 year period is completed. (Event Code 95999)

#### GG. SCHEDULE OF FACILITY OPERATION

1. Biosolids are prohibited from being transferred to and stored at the Mt. Perry Nutrient Storage Facility until the groundwater monitoring program, has been authorized by the Ohio EPA.
2. Biosolids are prohibited from being transferred to and stored within the Mt. Perry Nutrient Storage Pond until the initial monitoring of all the groundwater monitoring wells are sampled and reported to Ohio EPA.



HH. The access road shall be maintained by proper control measures, to minimize tracking of mud and other debris onto the public road. Control measures include, but are not limited to, proper grading and sufficient quantities of aggregate material as needed.

II. A customer service number or other contact method that allows quick responses shall be established and maintained where residents can contact Quasar Energy Group directly with concerns and report complaints. See Part II, L. 4.

JJ. When there is no analytical method that has been approved under 40 C.F.R. Part 136, required under 40 C.F.R. chapter I, subchapter N or O, and a specific analytical method is not otherwise required by the director, the applicant may use any suitable method but shall provide a description of the method. When selecting a suitable method, other factors such as a method's precision, accuracy or resolution may be considered when assessing the performance of the method. [OAC 3745-33-03(D)(1) and 40 CFR 122.21(e)(3)(ii)].

KK. The ground water monitoring program (GWMP) shall be implemented once approved by Ohio EPA. The approved GWMP shall include the following items

- A Statistical Analysis Plan (STAP) which describes the statistical methodology by which the facility will judge whether its activities have had an impact on ground water quality. It will include notifying the agency of statistically significant changes in ground water quality, launching an assessment program to determine if the facility has released contaminants to ground water, the rate and extent of contamination in the ground water system.
- A method to be used in determining if there is an impact of the Mt. Perry Nutrient Storage Pond on groundwater quality.
- The number of ground water monitoring wells installed within the first continuous zone of saturation beneath the biosolid ponds to be utilized by the ground water monitoring program during the operation of the biosolids pond;
- A plan to establish when water is present in the wells that includes, at a minimum, ground water elevation levels for each well taken at least every 6 weeks for the first 2 years after the effective date of this permit. Testing shall also be conducted to determine the seasonal yield of the monitoring wells when water is present within them;
- A contingency plan in the event that some or all of the existing monitoring wells at the site do not produce sufficient ground water to maintain a monitoring system that meets the provisions of this permit and the GWMP. The contingency plan shall include:
  - i. The vertical placement of ground water monitoring wells if additional wells must be established to ensure the requirements of this condition are met;
  - ii. How ground water monitoring wells are to be installed;

A sampling and analysis plan that states the monitoring data will be reported to Ohio EPA SEDO within 75 days of the sample being removed from the well.

## 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.