



STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304-2345
GENERAL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT

Permit No.: WV0115754

Issue Date: June 29, 2007

Subject: Water Treatment Plant &
Swimming Pool
Wastewater Disposal Systems

Effective Date: July 29, 2007

Expiration Date: June 28, 2012

Supersedes: WV0115754

Issued: August 28, 2000

To whom it may concern:

This is to certify that any entity to be regulated under the terms and conditions of this general permit and who has satisfied the registration requirements and has been assigned a Limitation Category and who has not been required by the Division of Water & Waste Management to apply for an individual WV/NPDES permit, is hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to acquire, construct, install, operate, and maintain a disposal system or part thereof, for the direct discharge of treated process wastewater into the waters of the State.

This permit is subject to the following terms and conditions:

The information submitted on and with the Facility Registration Application Form is hereby incorporated with like effect as if all such information was set forth herein, and other conditions set forth in Sections A, B, Appendix A and the site approval letter.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

A. Discharge Limitations and Monitoring Requirements

Permittees must provide adequate treatment technologies in order to comply with the prescribed effluent limitations of their assigned limitation category and the other requirements.

A.1 Discharge Limitations and Monitoring Requirements - *Limitation Category I*: Outlet 001 (*treated discharges into large receiving streams)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Limitation Category I are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	Quantity (lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max.Daily</u>			
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Recoverable Aluminum	N/A	N/A	0.75	1.5	mg/l	1/Quarter	Grab
Total Recoverable Iron	N/A	N/A	3.7	7.4	mg/l	1/Quarter	Grab
Total Recoverable Manganese	N/A	N/A	3	4.38	mg/l	1/Quarter	Grab
Total Fluoride	N/A	N/A	4.2	6.13	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)***	N/A	N/A	28	57	µg/l	1/Quarter	Grab

* Instream waste concentration is <10%
** See Section B.5.
*** See Sections B.3. & B.4.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.2 Discharge Limitations and Monitoring Requirements - *Limitation Category I-A*: Outlet 001 (treated discharges into *large trout streams)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Limitation Category I-A are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	<u>Quantity (lbs/day)</u>		<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Recoverable Aluminum	N/A	N/A	0.0712	0.143	mg/l	1/Quarter	Grab
Total Recoverable Iron	N/A	N/A	1.2	2.5	mg/l	1/Quarter	Grab
Total Recoverable Manganese	N/A	N/A	3	4.38	mg/l	1/Quarter	Grab
Total Fluoride	N/A	N/A	4.2	6.13	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)***	N/A	N/A	Zero	Zero	µg/l	1/Quarter	Grab

* Instream waste concentration is <10%

** See Section B.5.

*** See Sections B.3. & B.4.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.3 Discharge Limitations and Monitoring Requirements - *Limitation Category II*: Outlet 001 (treated discharges into *small receiving streams)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Limitation Category II are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	Quantity (lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Recoverable Aluminum	N/A	N/A	0.37	0.75	mg/l	1/Quarter	Grab
Total Recoverable Iron	N/A	N/A	1.2	2.5	mg/l	1/Quarter	Grab
Total Recoverable Manganese	N/A	N/A	1	1.46	mg/l	1/Quarter	Grab
Total Fluoride	N/A	N/A	1.4	2.04	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)***	N/A	N/A	9	18	µg/l	1/Quarter	Grab

* Instream waste concentration is >10%

** See Section B.5.

*** See Sections B.3. & B.4.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.4 Discharge Limitations and Monitoring Requirements - *Limitation Category II-A*: Outlet 001 (treated discharges into *small trout streams)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Limitation Category II-A are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	Quantity (lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Recoverable Aluminum	N/A	N/A	0.0712	0.143	mg/l	1/Quarter	Grab
Total Recoverable Iron	N/A	N/A	0.4	0.8	mg/l	1/Quarter	Grab
Total Recoverable Manganese	N/A	N/A	1	1.46	mg/l	1/Quarter	Grab
Total Fluoride	N/A	N/A	1.4	2.04	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)***	N/A	N/A	Zero	Zero	µg/l	1/Quarter	Grab

* Instream waste concentration is >10%

** See Section B.5.

*** See Sections B.3. & B.4.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.5 Discharge Limitations and Monitoring Requirements - *Limitation Category III*: Outlet 001 (treated discharges from swimming pools)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Limitation Category III are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	Quantity (lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow*	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)**	N/A	N/A	9	18	µg/l	1/Quarter	Grab

* See Section B.5.

** See Sections B.3. & B.4.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.6 Discharge Limitations and Monitoring Requirements - *Limitation Category III-A*: Outlet 001 (treated discharges from swimming pools into trout streams)

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to *Limitation Category III-A* are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>		
	<u>Quantity (lbs/day)</u>		<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow*	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)**	N/A	N/A	Zero	Zero	µg/l	1/Quarter	Grab

* See Section B.5.

** See Sections B.3. & B.4.

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

B. OTHER REQUIREMENTS

1. This permit will be considered as an individual permit if the coverage of a specific individual facility is the subject of an appeal in accordance with Chapter 22, Article 11, Section 21 of the West Virginia Code. Any subsequent action taken as result of the appeal will only affect the specific subject facility.
2. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form and a statement setting a deadline for the owner or operator to file the application and a statement as to when the coverage under this general permit shall terminate.
3. Permittees must provide the following minimum treatment for the wastewater discharge unless the Director determines, based on sufficient recent effluent data submitted by the permittee, that their effluent consistently achieves compliance with the effluent limitations.
 - A. For sediment removal: multiple cell backwash basin/pond/tank (except when the backwash frequency is less than once per day) with adjustable decanting devices, minimum depth of 4-5 feet and surface water deflecting devices.
 - B. For TRC removal: chemical dechlorination. Discharges into trout waters, however, must be dechlorinated.
4. Total Residual Chlorine (TRC) samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136. However, if the permittee does not operate a certified wastewater laboratory at the plant site, it still must comply with the instantaneous "Sample Type" requirements. Available sampling methods for field measurement of TRC are currently not sensitive enough to confirm compliance with the permit limitations imposed for the water treatment plants. The permittee shall use an EPA Approved Method with at least a method detection limit (MDL) of 100 µg/l. Any TRC sampling result reported as "non detected" at this MDL shall be assumed to confirm compliance for purposes of permit compliance. Should a more sensitive EPA approved method become available for field analysis of TRC, the permittee shall perform TRC self-monitoring in accordance with the new method. If the new method is not sensitive enough to determine compliance with the specified TRC limits, analytical results reported, as "not detected" at the MDL of the new method will be deemed compliant for the purposes of permit compliance.
5. This permit does not contain a discharge flow limitation, however, the permittee shall obtain approval from this Agency for any changes and/or modification to the operations of the water plant or the wastewater treatment facilities that may result in the increase in effluent flow.

6. Each facility covered by this permit must have a groundwater protection plan (GPP) approved by this Agency. The GPP shall be signed in accordance with Section I.6, Appendix A of this permit and shall be retained on site. If the GPP has been submitted but not yet approved, the permittee must submit any information requested by the Groundwater Program needed to complete the GPP. After approval, the GPP shall be maintained at the site as required. The permittee shall make the approved GPP available, upon request, to the Director or authorized representative. All GPPs required under this permit are considered reports that shall be available to the public under Section 308 (b) of the CWA. If the facility does not currently have an approved GPP, one shall be developed and submitted concurrently with the site registration application form.
7. The permittee shall submit each quarter according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration and/or quantities the values of the constituents listed in Sections A analytically determined to be in the plant effluent (s). Additional information pertaining to effluent monitoring and reporting can be found in Section III of Appendix A of this permit.
8. The required DMRs should be received no later than 20 days following the end of the reporting period and be addressed to:

**Director
Division of Water and Waste Management
601 57th Street SE
Charleston, West Virginia 25304-2345
Attention: Permitting Program
General Permit & Support Team**

One copy of the DMR shall also be submitted to the appropriate Regional Office listed below:

Northwest Region: Environmental Enforcement
2031 Pleasant Valley Road Suite #1
Fairmont, WV 26554

For facilities located in the following counties: Brooke; Barbour; Doddridge; Hancock; Harrison; Lewis; Marion; Marshall; Monongalia; Ohio; Pleasants; Ritchie; Taylor; Tyler; Upshur and Wetzel.

Northeast Region: Environmental Enforcement
HC 63 Box 2545
Romney, WV 26757

For facilities located in the following counties: Berkeley; Grant; Hampshire; Hardy; Jefferson; Mineral; Morgan; Pendleton; Pocahontas; Preston; Randolph and Tucker.

Southwest Region: Environmental Enforcement
Post Office Box 662
Teays, WV 25569

For facilities located in the following counties: Boone; Cabell; Kanawha; Lincoln; Logan; Mason; Mingo; Putnam and Wayne.

Parkersburg Satellite Office: Environmental Enforcement
2311 Ohio Avenue
Parkersburg, WV 26101

For facilities located in the following counties: Calhoun; Gilmer; Jackson; Roane; Wirt and Wood.

Southeast Region: Environmental Enforcement
116 Industrial Drive
Oak Hill, WV 25901

For facilities located in the following counties: Braxton; Clay; Fayette; Greenbrier; Mercer; McDowell; Monroe; Nicholas; Raleigh; Summers; Webster and Wyoming.

The required DMRs shall be submitted to the Division of Water & Waste Management by each respective due date:

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January 1 - March 31	April 20
April 1 - June 30	July 20
July 1 - September 30	October 20
October 1 - December 31	January 20

9. Permittees discharging pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this general permit, unless the permit conditions of this general permit are consistent with the assumptions and requirements of such TMDL. Therefore, the permittee must submit an NPDES application to the West Virginia Department of Environmental Protection for coverage under an individual NPDES permit. The permittee should consult with the State or EPA TMDL authority to confirm if his/her facility is subject to an approved TMDL.
10. If a site discharges to a stream where a Federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service to insure that requirements of the Federal Endangered Species Act are met.
11. Any new facilities wishing to be covered for discharge of filter backwash under this General Permit are required to comply with WV antidegradation requirements. In order to comply with these requirements, the required minimum treatment technology or other approved technology (BMPs) must be implemented and in place prior to any discharge. These facilities are also subject to public notice requirements.

The herein described activity is to be extended, modified, added to, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; with all plans and specifications previously submitted with Facility Registration Application Form or individual permit application; with a plan of maintenance and method of operation thereof; and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications previously submitted with Facility Registration Application Form or individual permit application, and with a plan of maintenance and method of operation thereof shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 of the Code of West Virginia. This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia

BY: 
Director

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

- a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.
- b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA 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.

2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.

3. 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.

4. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

6. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

7. Transfers

This permit coverage is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary. .

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable specified time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this 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.

9. Other Information

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.

10. Inspection and Entry

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

- a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
- b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.

11. Permit Modification

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 (of the Code of West Virginia).

12. Water Quality

The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Environmental Quality Board.

13. Outlet Markers

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

14. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b) 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 \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- d) Nothing in C.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

II. OPERATION AND MAINTENANCE:

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems, which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense

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 the conditions of the permit.

3. Bypass

- a) Definitions
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) 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 provision of II.3.c) and II.3.d) of this permit.
- c)
 - (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
 - (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.
- d) Prohibition of bypass
 - (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a 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 backup 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 preventative maintenance; and
 - (C) The permittee submitted notices as required under II.3.c) of this permit.
 - (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 in II.3.d.(1) of this permit.

4. Upset

- a) Definition. "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 preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
 - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Director, any solids, sludge, filter backwash or other pollutants (removed in the course of treatment or control of wastewater) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

III. MONITORING AND REPORTING:

1. Representative Sampling, Sample Type and Sampling Period

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Reporting

- a) Permittee shall submit each quarter, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Part A analytically determined to be in the effluent(s). DMR submissions shall be made in accordance with the terms contained in Section C of this permit.
- b) Enter reported average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter, as appropriate.
- c) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding).
- d) Specify frequency of analysis for each parameter as number of analyses/specified period (e.g., 3/month is equivalent to 3 analyses performed every calendar month). If continuous, enter "Cont.". The frequency listed on format is the minimum required.

3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

4. Recording of Results

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

- a) The date, exact place, and time of sampling or measurement;
- b) The date(s) analyses were performed;
- c) The individual(s) who performed the sampling or measurement;
- d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- e) The analytical techniques or methods used, and
- f) The results of such analyses. Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in III.6.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in the permit.

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Definitions

- a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified 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.
- b) "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.
- c) "Maximum daily discharge limitation" means the highest allowable daily discharge.
- d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- e) "Grab Sample" is an individual sample collected in less than 15 minutes.
- f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.
- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature-recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.

- i) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- j) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- k) "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- l) "CWA" means the Clean Water Act.
- m) "Director" means the Director of the Office of Water Resources, Division of Environmental Protection or their designated representative.
- n) "Facility Registration Application Form" means the form(s) designated by the Director for the purpose of making application for coverage under a general permit.
- o) "Trout Streams" means any waters, which meet the definition of Section 2.19 of 46 CSR1.

IV. OTHER REPORTING:

1. Reporting Spills and Accidental Discharges

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 Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11. Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

2. Immediate Reporting

- a) The permittee shall report any noncompliance, which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility, which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants, which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which many result in noncompliance with permit requirements.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a).