STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER and WASTE MANAGEMENT
601 57th STREET
CHARLESTON, WV 25304-2345

GENERAL PERMIT FOR LAND APPLICATION
LAND APPLICATION OF SEWAGE SLUDGE AND/OR DOMESTIC SEPTAGE

Permit No.: WVSG10000

Subject: Land Application of Sewage Sludge and/or Domestic Septage

Issue Date: November 1, 2015

Effective Date: December 1, 2015

Expiration Date: October 31, 2020

Supersedes: General Water Pollution Control Permit WVSG10000 issued September 24, 2010

This is to certify that any sewage sludge or domestic septage pumper who holds a valid West Virginia Septic Tank Cleaning Permit issued by a West Virginia County Health Department who may be regulated under the terms and conditions of this general permit, who has satisfied the registration requirements, and who has not been required by the Division of Water and Waste Management to apply for an individual permit, is hereby granted coverage under this General Permit to land apply sewage sludge and/or domestic septage at land application site(s) listed in their permit application.

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, C, D, E, and Appendix A.

A. Limitations and Monitoring Requirements

Permittees must provide adequate treatment in order to comply with the prescribed pathogen reduction and vector attraction reduction requirements set forth in this permit. Concentrations of heavy metals in soils at land application sites must also be within the limitations set forth in this permit.

A. LIMITATIONS AND MONITORING REQUIREMENTS (CONTINUED)

1. The following limitations and monitoring requirements shall apply to soil at land application sites.

Parameter	Maximum Allowable Limitations (mg/kg)	Monitoring Frequency	Sample Type **
Arsenic	13	1/Year	Composite
Cadmium	2.4	1/Year	Composite
Chromium	290	1/Year	Composite
Copper	92	1/Year	Composite
Lead	85	1/Year	Composite
Mercury	2.4	1/Year	Composite
Molybdenum	4.6	1/Year	Composite
Nickel	83*	1/Year	Composite
Selenium	10	1/Year	Composite
Zinc	290**	1/Year	Composite
Magnesium	Monitor	1/Year	Composite
Potassium	Monitor	1/Year	Composite
Phosphorus	Monitor	1/Year	Composite
Calcium	Monitor	1/Year	Composite
Total Nitrogen	Monitor	1/Year	Composite

* For sandy to silt loam soils with a permeability greater than 2.0 inches per hour, the maximum allowable soil concentration for nickel is 50.0 mg/kg.
** For those sites with greater than 30% legume species, the maximum allowable soil concentration for zinc is 130.0 mg/kg for sandy to silt loam soils with permeability greater than 2.0 inches per hour and 200.0 mg/kg for other soil types.

1. pH shall be greater than 6.2 SUs but less than 7.5, monitored by a composite sample, taken from each field utilized for land application during that year.
The soil pH and soil nutrients shall be monitored once per year by obtaining a composite sample of each field utilized for land application during the previous year. The composite samples shall be made up of a minimum of four (4) aliquots taken at locations equally spaced through the land application site(s).

2. The following limitations and monitoring requirements shall apply to the sewage sludge or domestic septage that is land applied.
The ph shall be greater than 12.0 SUs but less than 12.5 SUs, monitored by a composite grab sample taken from each batch of sewage sludge or domestic septage for two hours after the pH adjustment has been made.

B. REPORTING REQUIREMENTS

1. Reporting

a) Permittee shall report on the enclosed Septic Hauler Identification and Tracking Report form the type and quantity of sewage sludge or domestic septage received and the method of disposal. The required report shall be submitted electronically, on the enclosed format, no later than 20 days following the end of the reporting period. The report shall be submitted monthly.

b) The permittee shall also submit the Soil Monitoring Report. This report shall be submitted annually. The required report shall be submitted electronically, on the enclosed format, no later than 20 days following the end of the reporting period.

c) Permittee shall provide copies of these reports to the county or regional solid waste authority in which the facility or land application site (s) is located and to the County Health Department issuing the Septic Tank Cleaning Permit.

d) One copy of Form SS-193, Septic Tank Cleaner Quarterly Log shall be submitted to the appropriate Office of Environmental Health Services District Office listed below:

Beckley District: Office of Environmental Health Services
100 East Prince St.
Beckley, WV 25801
For facilities located in the following counties: Fayette, Greenbrier, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster and Wyoming.

Fairmont District: Office of Environmental Health Services
109 Adams St., Suite 512
Fairmont, WV 26554
For facilities located in the following counties: Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker and Upshur.

Kearneysville District: Office of Environmental Health Services
1948 Wiltshire Road
Kearneysville, WV 25430
For facilities located in the following counties: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan and Pendleton.

Wheeling District: Office of Environmental Health Services
117 Methodist Building, 1060 Chapline St.
Wheeling, WV 26003
For facilities located in the following counties: Brooke, Calhoun, Hancock, Marshall, Pleasants, Ohio, Ritchie, Roane, Tyler, Wirt, Wetzel and Wood.

St. Albans District: Office of Environmental Health Services
808 B Street, Suite G
St. Albans, WV 25177
For facilities located in the following counties: Boone, Clay, Cabell, Jackson, Kanawha, Lincoln, Mason, Putnam and Wayne.

2. Test Procedures

a) All analyses performed on solids and sewage sludges shall be analyzed in accordance with analytical methods listed in 40 CFR Part 503.8 except that Nutrients may be analyzed in accordance with the most recently approved edition of Standard Methods.

b) Any commercial laboratory used for analyzing samples required by this permit must be certified in accordance with Chapter 22, Article 1, Section 15.

3. 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 preformed;
c) The individual (s) who performed the sampling or measurements, and chain of custody of samples;
d) The individual (s) who performed the analyses;
e) If a commercial laboratory is used, the name and address of the laboratory;
f) The analytical techniques or methods used, and
g) The results of such analyses.

C. DEFINITIONS

1. "Collection point for surface water" means any perennial, intermittent or wet weather streams; ditch line; or other similar structures where stormwater collects and flows to a stream or sinkhole.

2. "Composting" means the aerobic, thermophilic decomposition of natural constituents of solid waste to produce a stable, humus-like material.

3. "Dead Furrow" means a breachless ditch or berm designed to reduce runoff from a liquid sludge land application site. The furrow is usually lowed around the edge of the field on the down slope side.

4. "Distributor" is a person who prepares the product for distribution and marketing and is responsible for distributing and marketing the product.

5. "Domestic septage" means either liquid or solid material (septage) removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

6. "Drinking water supply well" means any water that is used, or may be used for drinking water for humans or livestock.

7. "Feed crop" means crops produced primarily for consumption by animals.

8. "Flooded on a regular basis" means land that is classified as flooding on a frequent basis in the county soil survey books published by the United States Department of Agriculture or land where the chance of flooding is more than 50 percent in any year.

9. "Food crops" means crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

10. "Instantaneous maximum limitation" means the highest allowable concentration of a pollutant in the domestic septage or sewage sludge at any given time. Determination of this concentration may be based on a grab sample analysis.

11. "Land Application" is the spraying or spreading of sewage sludge and/or domestic septage onto the land surface; the injection of sewage sludge and/or domestic septage below the land surface; or the incorporation of sewage sludge and/or domestic septage into the soil so as to either condition the soil or fertilize crops or vegetation grown in the soil. NOTE: Injection of sewage sludge and/or domestic septage shall be done in accordance with 40 CFR Part 503.33 (b) (9). Injection may require an Underground Injection Control (UIC) Permit. To determine if a UIC Permit is necessary, the permittee may contact the Division of Water and Waste Management UIC Program.

12. "Land with a high potential for public exposure" is land that the public uses frequently. This includes, but is not limited to, a public contact site and a reclamation site located in a populated area (e.g., a constructed site located in a city).

13. "Land with a low potential for public exposure" is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

14. "Leachate" means any liquid that has come in contact with sewage sludge. This does not include the normal liquid content of liquid sludge or domestic septage that is being land applied in an approved manner.

15. "Loading rate" means the quantity per unit of area of sludge or septage applied to land.

16. "Maximum allowable limitation" means the numerical value that describes the amount of pollutant per unit amount of sewage sludge and/or domestic septage (e.g., mg/kg of total solids) or the amount of material that may be applied to a unit area of land (e.g., tons/acre or gallons/acre).

17. "Occupied dwelling" means any structure used as a residence, place of business, or seasonal dwelling.

18. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration.

19. "Pathogenic Organisms" are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

20. "Public contact site" means land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

C. DEFINITIONS (CONTINUED)

21. "Representative sample" means a sample collected from a population or whole that exhibits the average or typical properties of the larger population or whole.

22. "Runoff" means rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.

23. "Sewage Sludge" means solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage, scum or solids removed in primary, secondary or advanced wastewater treatment processes and a material derived from sewage sludge. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator.

24. "Solid Waste" means any garbage, paper, litter refuse, cans, bottles, waste processed for the express purpose of incineration, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, and other discarded materials, including offensive or unsightly matter, solid, liquid, semisolid or contained liquid or gaseous material resulting from industrial, commercial, mining or community activities but does not include solid or dissolved material in sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources and have permits under WV Code Chapter 22, Article 11, or source, special nuclear or by-product material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under WV Code Chapter 22, Article 18, or refuse, slurry, overburden or other wastes or material resulting from coal-fired electric power or steam generation, the exploration, development, production, and storage and recovery of coal, oil, and gas and other mineral resources placed or disposed of at a facility which is regulated under WV Code Chapter 22, 22A, or 22B, so long as such placement or disposal is in conformance with a permit issued pursuant to such Chapters.

25. "Vector Attraction" is the characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of Transporting infectious agents.

26. "Watershed Delineated Area" includes the entire watershed area upstream of a public water supply system intake structure, up to the boundary of the state borders, a topographic boundary and is the perimeter of the catchment that provides water to the water supply intake.

27. "Wellhead Protection Area " is the surface and subsurface area surrounding a water well or wellfield, delineated by the West Virginia Bureau for Public Health, supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or wellfields.

28. "Zone of Critical Concern" is a corridor along the streams, lakes, and reservoirs within the watershed delineated area, delineated by the West Virginia Bureau for Public Health for a public water supply system that warrants a more detailed inventory and management due to its proximity to the source water and to the susceptibility to potential contaminants.

D. REQUIRED FEES

1. Land Application Fees - Annual land application fees shall be assessed at a rate of $75.00 per 100,000 gallons of liquid sewage sludge and/or domestic septage disposed of annually. Dewatered sewage sludge shall be assessed at a rate of $5.00 per actual ton of sewage sludge and/or domestic septage multiplied by the percent solids.

2. Modification Fees - If any additional changes are made to the application, a written request must be made to Director of the Division of Water and Waste Management. A $50.00 fee will be assessed for registration of new land application sites and/or disposal option changes after the permit has been issued to a septic hauler.

E. OTHER REQUIREMENTS

1. Sewage sludge and/or domestic septage shall only be disposed at the land application site(s) specified in the General Permit registration letter granting coverage under this permit.

2. Sewage sludge and/or domestic septage <u>shall not</u> be applied to land that has any of the following siting restrictions and/or location standards:

   a) Land that is frozen, snow-covered, or known to be flooded on a regular basis unless the applicant can demonstrate to the Secretary that the land application will not cause runoff into streams or wetlands.

   b) Land that is within 50 feet of surface water including any streams, springs, ponds, wetlands, or other collection points for surface water.

   c) Land that is within 200 feet of drinking water supply wells or other personal water supply.

E. OTHER REQUIREMENTS (CONTINUED)

d) Land that is within 200 feet of an occupied dwelling.

e) Land that is within 50 feet of a federal or state highway.

f) Land that is within 100 feet of an adjacent property owner's property line.

g) Land that drains into a sinkhole or dry well.

h) Land that has been tested and determined to have a pH of less than 6.2 Standard Units (S.U.), unless the pH is adjusted to 6.2 S.U. or greater.

i) Land that has a slope greater than 15 percent.

j) Land that has a seasonal high groundwater table, or any perched zones, less than three (3) feet from the surface.

k) Land that has less than six (6) inches of soil over bedrock or an impervious pan.

l) Land that contains soil with surface permeability of less than 0.6 inches/hour or greater than 6 inches/hour.

m) Other land determined by the Secretary to be unsuitable for application of sewage sludge and/or domestic septage.

n) Land that, if sewage sludge or domestic septage was applied, is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.

o) Land that is included in a wellhead protection area or zone of critical concern unless notification is made and approval is given by the West Virginia Bureau for Public Health, where applicable.

3. The following requirements concerning crops grown on land used for application of sewage sludge or domestic septage, the time requirements between application of sewage sludge or domestic septage and the harvesting of crops, and the restrictions on animal grazing and public access shall be met:

a) Food crops with harvested parts that touch the sewage sludge or domestic septage/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

b) Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge or domestic septage when the sewage sludge or domestic septage remains on the land surface for four months or longer prior to incorporation into the soil.

c) Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge or domestic septage when the sewage sludge or domestic septage remains on the land surface for less than four months prior to incorporation into the soil.

d) Crops used only for animal consumption shall not be harvested for 30 days after application of sewage sludge or domestic septage.

e) Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge or domestic septage.

f) Turf grown on land where sewage sludge or domestic septage is applied shall not be harvested for one year after application of the sewage sludge or domestic septage when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the permitting authority.

g) Public access to land with a high potential for public exposure shall be restricted for one year after application of sewage sludge or domestic septage.

h) Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge or domestic septage.

4. Dewatered sewage sludge shall not be stored at a land application site for a period longer than one (1) week; except, storage can be allowed for a period not to exceed three (3) months when provisions, approved by the Director of the Division of Water and Waste Management, are made to prevent leachate runoff to the surface water and/or groundwater.

5. Sewage sludge or domestic septage shall only be land applied during the hours of daylight.

E. OTHER REQUIREMENTS (CONTINUED)

6. The sewage sludge or domestic septage shall be treated in a manner that removes other solid wastes (as defined in Title 33, Series 2, Section 2.44.) from the sewage sludge or domestic septage. Excessive amounts of these solid wastes may not be land applied with the domestic septage or sewage sludge and must be properly disposed at a permitted landfill.

7. Areas used for processing, curing, and/or storage of sewage sludge or domestic septage shall be designed, constructed and operated to prevent the release of contaminants to the groundwater and/or surface water. Sewage sludge, domestic septage, or intermediate products shall not be stored in areas used for processing, curing, and/or storage for a period longer than six (6) months. Storage of finished product shall be limited to one (1) year.

8. The permittee shall maintain the soil pH of the land application site(s) at a minimum of 6.2 S.U. for at least five (5) years from the date of the last application of sewage sludge and/or domestic septage to the land application site(s). The soil pH shall be monitored once per year by obtaining a composite sample of each land application site(s). The composite samples shall be made up of a minimum of four (4) aliquots taken at locations equally spaced through the land application site(s). The sample may be analyzed through the WVU Extension Service or by other certified labs using EPA Method 9045A.

9. All land application sites of liquid sludge or domestic septage must utilize a dead furrow or similar structure to prevent runoff from the site.

10. If sewage sludge is used for revegetation, or spread in any other manner at a landfill, the sewage sludge shall meet all of the land application requirements. These requirements include vector attraction and pathogen reduction methods, heavy metals limits, and abiding by an approved loading rate based on soil analyses.

11. All ponds, impoundments, storage tanks, or other bulk septage treatment or storage units, and electrical and mechanical equipment shall be protected from physical damage by the maximum expected one-hundred (100) year flood level. These facilities shall also be adequately protected by fencing. Registration of UST's and/or AST's may be required.

12. All ponds, impoundments, storage tanks, pipelines, ditches, sumps, and other bulk storage or treatment units must be installed and operated in a manner, which complies with Groundwater Protection Act (WV Code Chapter 22, Article 12).

13. This permit authorizes the land application of only sewage sludge and/or domestic septage. Land application of any industrial or commercial wastes, is prohibited.

14. No discharge of leachate is allowed from the land application site(s).

15. 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 15, Section 16 of the West Virginia Code. Any subsequent action taken as result of the appeal will only affect the specific subject facility.

16. All domestic septage haulers must meet the requirements of their Septic Tank Cleaning Permit issued by the Bureau for Public Health as a term of compliance with this General Permit.

17. Before sewage sludge or domestic septage is land applied, the pH of the domestic septage or sewage sludge must be maintained above 12.0 S.U. for a minimum of two (2) hours. Sewage sludge from treatment plants must be maintained for an additional twenty-two (22) hours at a pH above 11.5 S.U.

18. Only sewage sludge that has been treated in a manner that meets Class A or Class B pathogen reduction requirements and vector attraction reduction requirements may be land applied.

19. The permittee shall maintain all records and reports of all monitoring required by this permit for five (5) years after the date of monitoring or reporting. Records should include all sample results, including pathogen and vector attraction reduction monitoring; land application records, including site maps, the landowner agreement, soil sample results, daily and cumulative sludge loading rate information; any landfill receipts; copies of all required reports; and records of all data used to complete these reports.

20. Septage and Sludge Manifest forms, or equivalent records, shall be completed for each pickup location. These manifests shall be maintained for five (5) years. For portable toilet wastes, the entire load of waste will be considered one pickup location.

21. This permit will serve as a Groundwater Protection Plan in compliance with Title 47 CSR 58, provided that compliance with this Permit is adequately protective of groundwater. The applicable requirements of Title 47 CSR 58 shall be implemented and maintained in a manner that is protective of groundwater and surface water. This shall include the development and implementation of a Groundwater Protection Plan for any entity utilizing underground storage tankage.

22. If the landowner receiving sludge performs any of the required compliance measures, including but not limited to, proper lime stabilization and/or proper land application of sewage sludge, they must apply for permit coverage as a co-permittee with the septage haulers.

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; with a plan of maintenance and method of operation thereof; and with any applicable rules and regulations promulgated by the Department of Environmental Protection, Division of Water and Waste Management.

Failure to comply with the terms and conditions of this permit, with the plans and specifications previously submitted with Facility Registration Application Form, 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, Articles 12 and 15 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 15 of the Code of West Virginia.

BY: _____

Scott G. Mandirola
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; such as suspension or revocation of permit followed by possible civil or criminal action.

(b) The permittee shall comply with all applicable standards or prohibitions established under 40 CFR Part 503 and Title 33 Series 2 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 within thirty (30) days of receipt of the reissuance package. Since the permittee is registered for coverage under a general permit, this agency will notify the permittee regarding permit reissuance at the appropriate time.

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 conditions.

5. Property Rights

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

6. Signatory Requirements

All registration application forms, reports, or information submitted to the Director shall be signed and certified as required in Title 33, Series 2 of the West Virginia Legislative Rules.

7. Transfers

This permit is not transferable to any person, except after notice to and approval by 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. Notice must contain the new owner's name and address.

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 permittees 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 he/she has failed to submit any relevant facts in a facility registration application form, or submitted incorrect information in a facility registration application form or in any report to the Director, he/she 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 any storage, treatment 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 locations.

I. MANAGEMENT CONDITIONS (Continued)

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, Article 15 of the Code of West Virginia.

12. Water Quality

All land applications sites, storage and treatment areas shall be managed in a manner that prevents leachate and/or runoff from entering surface water or groundwater.

13. 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 $25,000 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 penalty not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both fine and imprisonment.

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 fine and imprisonment.

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 fine and imprisonment.

d) Nothing in E.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.

14. Continuation of this general permit

If this general permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 47 CSR 10 and remain in force and effect. If you were authorized to discharge under this general permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this general permit until the earliest of:
A) Your authorization for coverage under a reissued general permit or a replacement of this general permit following your timely and appropriate submittal of a complete application requesting authorization to discharge under the new general permit and compliance with the requirements of the new permit; or B) Your submittal of notification that the facility has ceased operations; or C) Issuance or denial of an individual permit for the facility; or D) A formal permit decision by DWWM not to reissue this general permit, at which time DWWM will identify a reasonable time period of covered dischargers to seek coverage under an alternative general permit or individual permit. Coverage under this permit will cease at the end of this time period.

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 the permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures.

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 this permit.

3. Installation of Appropriate Treatment Not a Defense

It shall not be a defense for a permittee in noncompliance with applicable pathogen reduction and vector attraction reduction requirements to claim that the appropriate minimum treatment equipment, as required in this permit, was installed.

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 electronically as required, according to the enclosed format, a Soil Monitoring Report indicating in terms of concentration, the values of the constituents listed in Section A analytically determined to be in the soil. Soil Monitoring Report submissions shall be made in accordance with the terms contained in Section B 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**
   a. 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.
   b. All analyses performed on solids shall be analyzed in accordance with analytical methods listed in U.S. Environmental Protection Agency analytical procedure SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.
   c. Any commercial laboratory used for analyzing samples required by this permit must be certified in accordance with Chapter 22, Article 1, Section 15.
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 Soil 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 five (5) 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) "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.
   b) "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.
   c) "CWA" means the Clean Water Act.
   d) "Secretary" means the Secretary of the Department of Environmental Protection or person to whom the Secretary has delegated authority or duties pursuant to W. Va. Code §22-1-6.
   e) "Director" means the Director of the Office of Water Resources, Division of Environmental Protection or their designated representative.
   f) "Facility Registration Application Form" means the form(s) designated by the Director for the purpose of making application for coverage under a general permit.

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 for 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 or Chapter 22, Article 12. Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the 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. Violations of pathogen reduction and vector attraction reduction requirements.
2. Violations of metals limits in sewage sludge or domestic septage.
3. Violations of siting restrictions contained in Title 33, Series 2, Section 3.2.a. or Title 47, Series 58, Section 4.10.
4. Any spill (s) or discharges (s) to any surface water collection point.
5. Any spill (s) or discharges (s) to the ground exceeding ten (10) gallons.

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 Chapter 22, Article 12 or Title 47, Series 11, Section 2 of the agency's rules.

e) The notification number for emergency reporting of non-compliance is 1-800-642-3074

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 sewage sludge and/or domestic septage being disposed. Notice is required when the alteration or addition could significantly change the nature of the sewage sludge and/or domestic septage or increase the quantity of pollutants in the sewage sludge and/or domestic septage.

(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 Title 47, Series 10 of the West Virginia Legislative Rules; or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. The notification applies to pollutants that 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 may result in noncompliance with, permits requirements.

4. Other Noncompliance

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

EMERGENCY RESPONSE SPILL ALERT SYSTEM
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUIREMENTS:

Title 47, Series 11, Section 2 of the West Virginia Legislative Rules, Environmental Protection, Water Resources - Waste Management, Effective July 1, 1987.

RESPONSIBILITY FOR REPORTING:

Each and every person who may cause or be responsible for any spill or accidental discharge of pollutants into the waters of the State shall give immediate notification to the Division of Water and Waste Management's Emergency Notification Number, 1-800-642-3074. Such notification shall set forth insofar as possible and as soon thereafter as practical the time and place of such spill or discharge, type or types and quantity or quantities of the material or materials therein, action or actions taken to stop such spill or discharge and to minimize the polluting effect thereof, the measure or measures taken or to be taken in order to prevent a recurrence of any such spill or discharge and such additional information as may be requested by the Division of Water and Waste Management. This also applies to spills to the waters of the State resulting from accidents to common carriers by highway, rail and water.

It shall be the responsibility of each industrial establishment or other entity discharging directly to a stream to have available the following information pertaining to those substances that are employed or handled in its operation in sufficiently large amounts as to constitute a hazard in case of an accidental spill or discharge into a public stream:

(1) Potential toxicity in water to man, animals and aquatic life;
(2) Details on analytical procedures for the quantitative estimation of such substances in water and
(3) Suggestions on safeguards or other precautionary measures to nullify the toxic effects of a substance once it has gotten into a stream.

Failure to furnish such information as required by Section 14, Article 11, Chapter 22, Code of West Virginia may be punishable under Section 24, Article 11, Chapter 22, and/or Section 22, Article 11, Chapter 22, Code of West Virginia.

It shall be the responsibility of any person who causes or contributes in any way to the spill or accidental discharge of any pollutant or pollutants into State waters to immediately take any and all measures necessary to contain such spill or discharge. It shall further be the responsibility of such person to take any and all measures necessary to clean-up, remove and otherwise render such spill or discharge harmless to the waters of the State.

When the Director determines it necessary for the effective containment and abatement of spills and accidental discharges, the Director may require the person or persons responsible for such spill or discharge to monitor affected waters in a manner prescribed by the Director until the possibility of any adverse effect on the waters of the State no longer exists.

VOLUNTARY REPORTING BY LAW OFFICERS, U. S. COAST GUARD, LOCK MASTERS AND OTHERS:

In cases involving river and highway accidents where the responsible party may or may not be available to report the incident, law officers, U. S. Coast Guard, Lock Masters and other interested person(s) should make the report.

WHO TO CONTACT:
Notify the following number: **1-800-642-3074**

INFORMATION NEEDED:
- Source of spill or discharge
- Location of incident
- Time of incident
- Material spilled or discharged
- Amount spilled or discharged
- Toxicity of material spilled or discharged
- Personnel at the scene
- Actions initiated
- Shipper/Manufacturer identification
- Railcar/Truck identification number
- Container type