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.: WV0116246

Subject: Wastewater Discharges From Highway or Municipal Maintenance Facilities

Issue Date: October 11, 2011

Effective Date: November 10, 2011

Expiration Date: October 10, 2016

Supersedes: WV0116246
Issued 08/01/2006

To whom it may concern:

This is to certify that operators of maintenance facilities for highways, which would primarily be the Division of Highways, or for municipal maintenance facilities and potentially other facilities with similar type storm water discharges located in the State of West Virginia who have satisfied the registration requirements and agreeing to be regulated under the terms and conditions of this general permit are hereby granted coverage under the General WV/NPDES Water Pollution Control Permit to allow storm water discharges, and the direct discharge of treated industrial and sewage wastes, or any combination, thereof, into the waters of the State.

This permit is subject to the following terms and conditions:

The information submitted on, and with, the site registration application form will, hereby, be made terms and conditions of the permit with like effect as if all such information were set forth herein, and other conditions set forth in Sections A, B, C, D, E, F, and G and, 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.

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A.1 Discharge Limitations and Monitoring Requirements - *Treatment Group I* – Storm Water

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, permittees who have been assigned to Treatment Group I are authorized to discharge from the point source.

Such discharge shall be limited and monitored as specified below:

	Discharge Limitations						Monitoring Requirements	
	Quantity (lbs/day)		Other Units (Specify)					
Effluent Characteristic	**Avg. Monthly**	**Max. Daily**	**Avg. Monthly**	**Max.Daily**	**Instantaneous Maximum**		**Measurement Frequency**	**Sample Type**
Flow	N/A	N/A	N/A	Report Only	N/A	MGD	1/6 Months	Estimated
Iron, Total Recoverable	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Chemical Oxygen Demand	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Chloride	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Oil and Grease	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Total Suspended Solids	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Total Phosphorus	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab

The requirements under this section shall apply to storm water discharges from establishments engaged in highway maintenance and repair, or certain other facilities which have vehicle maintenance, material handling and storage and/or vehicle fueling and lubrication, generally classified under SIC Code 16.

The pH shall not be less than 6.0 **standard units and not more than** 9.0 **standard units and shall be monitored by grab sampling semiannually.**

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): All 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 - *Treatment Group II* – Vehicle Washing

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, permittees who have been assigned to Treatment Group II are authorized to discharge from the point source.

Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations						Monitoring Requirements	
	Quantity (lbs/day)		Other Units (Specify)					
Effluent Characteristic	**Avg. Monthly**	**Max. Daily**	**Avg. Monthly**	**Max.Daily**	**Instantaneous Maximum**		**Measurement Frequency**	**Sample Type**
Flow	N/A	N/A	N/A	*As Authorized	N/A	MGD	1/6 Months	Estimated
Total Suspended Solids	N/A	N/A	N/A	60.0	N/A	mg/l	1/6 Months	Grab
BOD5 (influent)**	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
BOD5 (effluent)	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Chlorides	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab
Oil and Grease	N/A	N/A	N/A	15.0	N/A	mg/l	1/6 Months	Grab
Total Phosphorus	N/A	N/A	N/A	Report Only	N/A	mg/l	1/6 Months	Grab

* The daily discharge flow shall not exceed the design capacity of the sedimentation/separation tank (See Section 12 of the Site Registration Application Form).

** To be sampled at one of the in-bay grit traps.

The pH shall not be less than 6.0 **standard units and not more than** 9.0 **standard units and shall be monitored by grab sampling semiannually.**

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): All effluent samples shall be collected, at or as near as possible to, the point of discharge. The location shall be after the multi-media filter.

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 - *Treatment Group III* – Sewage

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, permittees who have been assigned to Treatment Group III are authorized to discharge from the point source. The discharge shall comply with the following: (Summer Limitations are applicable May 1 - October 31 and Winter Limitations are applicable November 1 - April 30)

	Discharge Limitations						Monitoring Requirements	
	Quantity (lbs/day)		Other Units (Specify)					
Effluent Characteristic	**Avg. Monthly**	**Max. Daily**	**Avg. Monthly**	**Max.Daily**	**Instantaneous Maximum**		**Measurement Frequency**	**Sample Type**
Flow				*As Authorized		MGD	1/Quarter	Estimated
Biochemical Oxygen Demand (5-Day)	Report Only	Report Only	**Summer** 5.0 **Winter** 10.0	10.0 20.0	12.5 25.0	mg/l	1/Quarter	Grab
Total Suspended Solids	Report Only	Report Only	30.0	60.0	75.0	mg/l	1/Quarter	Grab
Nitrogen, Ammonia	Report Only	Report Only	**Summer** 3.0 **Winter** 6.0	6.0 12.0	7.5 15.0	mg/l	1/Quarter	Grab
Fecal Coliform			200	400	500	counts/ 100ml	1/Quarter	Grab
Dissolved Oxygen			Not less than 6.0 mg/l at any given time			mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)			28.0	57.0	70.0	µg/l	**1/Quarter	Grab
Total Nitrogen			Report Only	Report Only	Report Only	mg/l	1/6 Months	Grab
Total Phosphorus			Report Only	Report Only	Report Only	mg/l	1/6 Months	Grab

* As authorized on General Permit Registration

** Monitoring for TRC is required only if a chlorination or a chlorination/dechlorination system is used for bacteria disinfection. Permittee shall test on-site utilizing an EPA approved field test kit, having an accuracy detection level down to 20 µg/l.

Sewage facilities subject to Treatment Category III are required to provide secondary treatment technology followed by additional treatment such as an alternating surface sand filter or a rapid sand filter or a polishing pond or equivalent tertiary technology. Also acceptable is a Recirculating Sand Filter (RSF), preceded by primary or secondary treatment technology provided the RSF is designed for type of pretreated waste received. Bacteria disinfection shall be accomplished through the use of an ultraviolet or chlorine disinfection system; however, should chlorine disinfection be utilized, a dechlorination system must be provided. If necessary, post aeration of the final effluent shall be required, should a polishing pond not be provided.

The pH shall not be less than 6.0 **standard units and not more than** 9.0 **standard units and shall be monitored by grab sampling quarterly.**

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent BOD_5 sampling shall be collected at a location immediately preceding disinfection. All other 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.A Discharge Limitations and Monitoring Requirements - *Treatment Group IIIA* - Sewage

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, permittees who have been assigned to Treatment Category IIIA are authorized to discharge from the point source. The discharge shall comply with the following: (Summer Limitations are applicable May 1 - October 31 and Winter Limitations are applicable November 1 - April 30)

	Discharge Limitations						Monitoring Requirements	
	Quantity (lbs/day)		Other Units (Specify)					
Effluent Characteristic	**Avg. Monthly**	**Max. Daily**	**Avg. Monthly**	**Max.Daily**	**Instantaneous Maximum**		**Measurement Frequency**	**Sample Type**
Flow				*As Authorized		MGD	1/Quarter	Estimated
Biochemical Oxygen Demand (5-Day)	Report Only	Report Only	**Summer** 5.0 **Winter** 10.0	10.0 20.0	12.5 25.0	mg/l	1/Quarter	Grab
Total Suspended Solids	Report Only	Report Only	30.0	60.0	75.0	mg/l	1/Quarter	Grab
Nitrogen, Ammonia	Report Only	Report Only	**Summer** 3.0 **Winter** 6.0	6.0 12.0	7.5 15.0	mg/l	1/Quarter	Grab
Fecal Coliform			200	400	500	counts/ 100ml	1/Quarter	Grab
Dissolved Oxygen			Not less than 6.0 mg/l at any given time			mg/l	1/Quarter	Grab
Total Residual Chlorine(TRC)			Zero	Zero	Zero	µg/l	**1/Quarter	Grab
Total Nitrogen			Report Only	Report Only	Report Only	mg/l	1/6 Months	Grab
Total Phosphorus			Report Only	Report Only	Report Only	mg/l	1/6 Months	Grab

* As authorized on General Permit Registration

** Monitoring for TRC is required only if a chlorination or a chlorination/dechlorination system is used for bacteria disinfection. Permittee shall test on-site utilizing an EPA approved field test kit having an accuracy detection level down to 20 µg/l.

Sewage facilities subject to Treatment Category IIIA are required to provide secondary treatment technology followed by additional treatment such as an alternating surface sand filter or a rapid sand filter or a polishing pond or an equivalent tertiary technology. Also acceptable is a Recirculating Sand Filter (RSF), preceded by primary or secondary treatment technology provided the RSF is designed for type of pretreated waste received. Bacteria disinfection shall be accomplished through the use of an ultraviolet or chlorine disinfection system; however, should chlorine disinfection be utilized, a dechlorination system must be provided. Ultraviolet disinfection is strongly recommended for systems discharging to trout streams. If necessary, post aeration of the final effluent shall be required, should a polishing pond not be provided.

The pH shall not be less than 6.0 **standard units and not more than** 9.0 **standard units and shall be monitored by grab sampling quarterly.**

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent BOD_5 sampling shall be collected at a location immediately preceding disinfection. All other 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.

SECTION B. STORM WATER REQUIREMENTS

1. Discharges Covered Under This Section.

The requirements listed under this section shall apply to storm water discharges from establishments engaged in highway maintenance and repair which have vehicle maintenance, material handling and storage and or vehicle fueling and lubrication (generally classified under SIC Code 16).

2. Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Iron	1 mg/l	1/6 Months
Chemical Oxygen Demand	120 mg/l	1/6 Months
Chloride	860 mg/l	1/6 Months
Oil and Grease	15 mg/l	1/6 Months
Total Suspended Solids	100 mg/l	1/6 Months

3. Prohibition on non-storm water discharges.

All discharges covered by this permit shall be composed entirely of storm water except for the following listed below.

The following non – storm water discharges that are mixed with storm water are allowed.

a. Discharges from fire-fighting activities

b. Fire hydrant flushings

c. Potable water sources including waterline flushings

d. Lawn watering

e. Routine external building wash down without detergents

f. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used.

g. Air conditioning condensate

h. Compressor condensate

SECTION B. STORM WATER REQUIREMENTS (Continued)

3. Prohibition on non-storm water discharges. (Continued)

i. Uncontaminated groundwater or spring water and foundation and footing drains where flows are not contaminated with process materials

These other sources of non – storm water must be identified in the facility's Storm Water Pollution Prevention Plan.

4. Releases in Excess of Reportable Quantities.

This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reporting quantities.

5. Low Concentration Waiver.

When the average concentration for a pollutant calculated from all monitoring data, with a minimum of four (4) consecutive samples, is less than the corresponding listed cut-off concentration for that pollutant, additional monitoring for that pollutant in Section A, is not required. The facility must submit each year, to the Division of Water and Waste Management in lieu of the monitoring data, a certification (form provided) that there has not been a significant change in the industrial activity or the pollution prevention measures in the area of the facility that drains to the outlet for which sampling was waived.

The waiver is valid only for the term of the facilities current registration. If a facility would like to continue its waiver after this date it must reapply at the time of reissuance. The sampling required for a waiver extension consists of one (1) sample of each pollutant. If the sample is less than the corresponding listed cut-off concentration, then the waiver may be extended for the term of the facilities next registration.

Permittee shall review its storm water pollution prevention practices each year and revise the plan (required in Section B.9), if this average concentration for any indicator pollutant in the previous year's sampling was greater than the corresponding cut-off value for that pollutant.

6. Natural Background Pollutant Levels

Following the first two semi-annual benchmark monitoring, if the average concentration of a pollutant exceeds a benchmark value, and the permittee determines that exceedence of the benchmark is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;

SECTION B. STORM WATER REQUIREMENTS (Continued)

6. Natural Background Pollutant Levels (Continued)

- The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedences are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and
- The permittee notifies the DWWM on its final (second) semi-annual benchmark monitoring report that the benchmark exceedences are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility, or pollutants in run-on from neighboring sources which are not naturally occurring.

7. No Exposure Certification

A facility that has a SIC code requiring them to be covered under this permit is exempt from permitting requirements if they meet the following requirements consistent with the Code of Federal Regulations Section 122.26(g).

A condition of no exposure exists at an industrial facility when a storm resistant shelter to prevent exposure to rain, snowmelt, and/or runoff protects all industrial materials and activities. Industrial materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

-- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;

-- adequately maintained vehicles used in material handling; and

-- final products, other than products that would be mobilized in storm water discharges (e.g. rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. The certification must be submitted once every five years along with the required fee determined by the DWWM.

SECTION B. STORM WATER REQUIREMENTS (Continued)

7. No Exposure Certification (Continued)

If circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt, and / or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement and/or unpermitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

Notwithstanding the provisions of this paragraph, the DWWM retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard including designated uses.

8. Representative Discharge

When a facility has two (2) or more outlets that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outlet, the permittee reasonably believes discharges substantially identical effluents, the permittee may test the effluent of one (1) of such outlets and report that the quantitative data also applies to the substantially identical outlet(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outlets and explains in detail why the outlets are expected to discharge substantially identical effluents. In addition, for each outlet that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g. low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

The permittee shall include the description of the location of the outlets, explanation of why outlets are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the Storm Water Monitoring Report.

9. Visual Examination of Storm Water Quality

Permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity for each outlet during each monitoring period. Examination shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. Visual examination reports must be maintained onsite in the storm water pollution prevention plan.

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP).

Each facility covered by this permit shall have a storm water pollution plan and a groundwater protection plan. These two (2) plans may be combined into one (1) plan so long as all requirements for both plans are met. Alternatively, they may be developed and maintained as separate stand-alone documents.

SECTION B. STORM WATER REQUIREMENTS (Continued)

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP) (Continued)

The storm water pollution prevention plan shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition the plan shall describe and ensure the implementation of practices, which are to be used to reduce the pollutants in storm water discharges, associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The SWPPP and the GPP shall be signed in accordance with Appendix A, Part I, Section 6, of this permit and shall be retained on site. Plans shall provide for compliance with the terms of the plan prior to submitting a registration form to be covered under this permit. The permittee shall make plan(s) available, upon request, to the Director or authorized representative. All facilities wishing to be covered by this permit for the first time must submit a copy of the SWPPP and GPP with the application for review.

If the plan(s) are reviewed by the Director or authorized representative, that individual may notify the permittee at any time that either the SWPPP and/or the GPP do not meet one (1) or more of the minimum requirements of this section. After such notification, the permittee shall make changes to the plan in accordance with the time frames established below, and shall submit to the Director, a written certification that the requested changes have been made. The permittee shall have 30 days after such notification to make the changes necessary.

All SWPPPs and GPPs required under this permit are considered reports that shall be available to the public under Section 308 (b) of the CWA. The owner or operator of a facility with storm water discharges covered by this permit shall make plans available to members of the public upon request by the public. However, the permittee may claim any portion of a storm water pollution plan as confidential in accordance with 46 CSR 2-12.7.

If a representative organization of a significant number of facilities can develop and demonstrate an acceptable storm water pollution prevention plan, and/or groundwater protection plan, the DWWM will review this approach for considering those facilities for coverage under this general permit and in compliance with this section.

A. Storm Water Pollution Prevention Plan Requirements

a) Contents of Plan. The plan shall include, at a minimum, the following items:

(1) Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Plans shall identify all activities which may potentially be significant pollutant sources, including: 1) loading or unloading of dry bulk materials or liquids, 2) outdoor storage of raw materials, intermediary products or products, 3) outdoor process activities, 4) dust or particulate generating processes, 5) illicit connections or management practices, and 6) waste disposal practices.

SECTION B. STORM WATER REQUIREMENTS (Continued)

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP) (Continued)

To facilitate this process, each plan, shall at a minimum, include:

(A) A site map indicating, at a minimum: each drainage and discharge structure; an outline of the drainage area of each discharge point, each past or present area used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in storm water runoff; materials loading and access area; each hazardous waste storage or disposal facility (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; sinkholes; springs; and other surface water bodies;

(B) An estimate of the area of impervious surfaces (including paved areas and building roofs) relative to the total area drained by each outlet;

(C) A topographic map (or other map if a topographic map is unavailable), extending one mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. The requirements of this paragraph may be included in the site map required under Section B.9.

(D) A narrative description of significant materials that have been treated, stored or disposed in a manner to allow exposure to storm water between the time of three (3) years prior to the date of the coverage under this permit and the present; method of on-site storage of disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three (3) years prior to the date of issuance of this permit and the present; materials loading and access areas; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and description of any treatment the storm water receives.

(E) A list of significant spills and leaks of toxic or hazardous pollutants that occurred at the facility after the date of three (3) years prior to coverage under this permit and the present. Such list shall be updated when a significant spill or leak of toxic or hazardous pollutants occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken;

(F) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in storm water discharges associated with industrial activity; and

(G) A summary of existing sampling data describing pollutants in storm water discharges.

SECTION B. STORM WATER REQUIREMENTS (Continued)

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP) (Continued)

A. Storm Water Pollution Prevention Plan Requirements (Continued)

(2) Storm Water Management Controls (Continued)

Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. Priorities developed in a plan for implementing controls shall reflect the nature of identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

(A) Pollution Prevention Committee - The description of the storm water Pollution Prevention Committee shall identify specific individuals within the organization who are responsible for developing the storm water pollution prevention plan and assisting the manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

(B) Risk identification and Assessment/Material Inventory - The storm water pollution prevention plan shall assess the potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity. The plan shall inventory the types of materials handled, the location of material management activities, and types of material management activities. Factors to consider when evaluating the pollution potential of runoff from various portions of an industrial plant include: loading and unloading operations, outdoor storage activities; outdoor manufacturing or processing activities; dust or particulate generating processes; and waste disposal practices. Other factors to consider are the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of water quality violations; history of significant leaks or spills of toxic or hazardous pollutants; and nature and uses of the receiving waters.

(C) Preventive Maintenance - A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

(D) Good Housekeeping - Good housekeeping requires the maintenance of a clean orderly facility.

(E) Spill Prevention and Response Procedures - Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures and storage requirements in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to all personnel.

SECTION B. STORM WATER REQUIREMENTS (Continued)

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP) (Continued)

A. Storm Water Pollution Prevention Plan Requirements (Continued)

(2) Storm Water Management Controls (Continued)

(F) Storm Water Management - After measures have been taken to minimize pollutant sources to storm water, traditional storm water management practices should be considered.

(G) Sediment and Erosion Prevention - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion.

(H) Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping, and material management practices. A pollution prevention plan shall identify periodic dates for such training.

(I) Visual Inspections - Qualified company personnel shall be identified to inspect designated equipment and plant or other appropriate areas. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure should be used to ensure that adequate response and corrective actions have been taken in response to the inspection. Records of inspections shall be maintained.

(J) Record Keeping and Internal Reporting Procedures - Incidents such as spills, leaks, and improper dumping; along with other information describing the quality and quantity of storm water discharges should be included in the records. Inspections and maintenance activities such as cleaning oil and grit separators or catch basins should be documented and recorded.

(K) Non-Storm Water Discharges - A certification that the discharge has been tested for the presence of non-storm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outlet, manhole, or other point of access to the ultimate conduit, which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this section was not feasible.

SECTION B. STORM WATER REQUIREMENTS (Continued)

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP) (Continued)

A. Storm Water Pollution Prevention Plan Requirements (Continued)

b) Site Inspection

A site inspection shall be conducted annually by appropriate personnel named in the storm water pollution prevention plan to verify that the description of potential pollutant sources required under Section B.9.A.a)(1) is accurate; the drainage map has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the storm water pollution prevention plan are being implemented and are adequate. Records documenting significant observations made during the site inspection shall be retained as part of the storm water pollution prevention plan for three (3) years.

c) A facility which has experienced one (1) or more releases of a hazardous substance in excess of reporting quantities established at 40 CFR 117.3 or 40 CFR 302.4 within twelve months prior to the effective date of this permit, or after the effective date of this permit, shall include as part of the storm water pollution prevention plan for the facility a written description of each release, corrective actions taken and measures taken to prevent recurrence. (Note: Section B.4. of this permit prohibits storm water discharges which, during any 24-hour period, contain a hazardous substance equal to or in excess of the reporting quantities of 40 CFR 117 and 40 CFR 302.)

d) Consistency with Other Plans and Programs

Storm water management plans and programs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act (CWA) or Best Management Practices (BMP) plans otherwise required by a WV/NPDES permit, and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

B. Groundwater Protection Plan Requirements

Groundwater Protection Plans (GPPs) shall be prepared in accordance with this Section and the requirements of Title 47, Series 58, Section 4.11., et. seq. (Groundwater Protection Regulations). If the GPP is combined with the SWPPP into a single plan it may not be necessary to repeat some of the information required by the following subsections. However, standalone GPPs must contain the following information at a minimum:

(1) The GPP shall include an inventory of all operations, which may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations. The following potential sources must be considered: Outside materials storage areas; Disposal areas; Loading and unloading areas; Bulk storage and distribution areas; Drums; Sumps; Pumps; Tanks; Impoundments; Ditches; and Underground Pipelines. In addition the GPP shall provide a thorough and detailed description of procedures designed to protect groundwater from the identified potential contamination sources.

SECTION B. STORM WATER REQUIREMENTS (Continued)

10. Storm Water Pollution Prevention Plans (SWPPP) and Groundwater Protection Plan (GPP) (Continued)

B. Groundwater Protection Plan Requirements (Continued)

Specific attention must be given to manufacturing facilities, materials handling, equipment cleaning, construction activities, maintenance activities, pipelines, sumps, and tanks containing contaminants.

(2) Facilities which have areas that require remedial action to install, implement or develop procedures or control equipment to protect groundwater shall include in their GPP a schedule of compliance listing such areas, the remedial actions necessary, and the projected date such remedial actions will be completed. The schedule of compliance is a part of the GPP and enforceable under Title 47, Series 58, Section 4.12.e.1.

(3) A thorough and detailed list of groundwater protection procedures to be employed in the design of new equipment or operations.

(4) A thorough and detailed summary of all activities carried out under other regulatory programs which have relevance to groundwater protection (for example: RCRA, CERCLA, Storm Water Permit, Spill Prevention Control and Countermeasures plans, Toxic Substances Control Act, DOT training requirements, Management of Used Oil, etc.)

(5) All reasonably available information on groundwater quality at the site. This should include any known sampling in the area, other potential sources of contamination, depth to groundwater, and any other information available.

(6) A statement that no wastes will be used for deicing, fills, or for other uses on the site unless provided for in existing rule.

(7) Provisions for training all employees and contractor personnel on their responsibility to ensure groundwater protection. Job procedures shall provide direction on prevention of groundwater contamination.

(8) Provisions for quarterly inspections of the facility to ensure that all elements and equipment of the groundwater protection programs are in place, functioning properly, and are appropriately managed.

11. Specific Requirements for New Facilities

Any new facilities wishing to be covered for storm water under this general permit must comply with the West Virginia antidegradation requirements. In order to comply with these requirements, new facilities are sent to public notice, and Best Management Plans must be implemented and in place prior to any storm water discharge.

SECTION B. STORM WATER REQUIREMENTS (Continued)

11. Specific Requirements for New Facilities (Continued)

Storm water pollution prevention plans and groundwater protection plans shall be submitted to the West Virginia Department of Environmental Protection with the new application prior to issuance of the general permit registration. These facilities may be required to apply for an individual WV/NPDES permit after notification by the Director.

C. VEHICLE WASHING REQUIREMENTS

1. Should a Publicly Owned Treatment Works (POTW) and sewerage system become available, and be able to handle the wastewater from this facility, such wastewater shall be connected to the POTW within three (3) months of availability. However, prior to this connection, the permittee shall obtain written permission from the municipal or public service district sewage system authority, which will receive the waste.

2. Solids and other material removed from the treatment units are to be disposed of in such a manner as to prevent pollution to waters of the State. Solids removed from drop inlets may be mixed with abrasives and other highway material for normal use.

3. Each applicant for coverage under this section of the general permit shall submit a Groundwater Protection Plan (GPP) for review by the Division of Water and Waste Management. Said plan shall be in compliance with the requirements of 47 CSR Series 58 of the West Virginia Code and Section 301 of the CWA.

4. The treatment system shall be protected from physical damage by the maximum expected 10-year flood level.

5. The permittee should provide treatment for the wastewater from the vehicle wash that meets the design requirements listed below. Alternate treatment technology may be approved for use if adequate data can be submitted to verify waste reduction.

a. Each vehicle wash bay should contain a grit trap at least two (2) feet by three (3) feet by 18 inches deep.

b. The sedimentation/separation tank should be large enough to hold three (3) days average flow. The volume of the tank can be determined by multiplying the length (in feet) by the width (in feet) by the depth (in feet) by 7.48 (gallons/cubic foot). [Example: A tank 18' long, 5' wide and 5' deep has a capacity = 18' X 5' X 5' X 7.48 = 3366 gallons. Therefore, if the average daily flow is not expected to exceed 1100 gallons per day, this tank should be adequate.]

c. The multi-media filter should contain a minimum of 100 square feet of surface area and have a minimum overall depth of 4 feet. In order to determine the size of the filter needed, you can use this formula: Area of filter = Flow (gallon/day) divided by 20 (gallon/day/square foot). [Example: Flow Rate = 2000 gallon/day. Area = 2000 gallon/day divided by 20 (gallon/day/square foot) = 100 square foot.] To facilitate cleaning of the filter, consideration should be given to utilizing dual filters.

C. VEHICLE WASHING REQUIREMENTS (Continued)

5. (Continued)

This will be especially helpful for vehicle washes with high daily flow rates and/or for transportation companies that wash their fleet of trucks. Proposed facilities shall enclose the multi-media filter in such a manner to prevent a discharge to groundwater (existing facilities see Section C.9.).

d. Any vehicle washing establishment determined by this agency to be located within karst areas must also provide, in addition to the above requirements, carbon filtration treatment for the waste stream.

e. A drawing with an example of the typical treatment technology employed for vehicle washing will be provided to the permittee upon request.

6. Maintenance Requirements:

A maintenance program must be adhered to if proper operation of this facility is to be accomplished. The maintenance log, to be included with the permit registration, shall be kept and must be available at all times for review by the Division of Water and Waste Management. A copy of the maintenance record for the prior six (6) months shall be maintained on site.

The following maintenance regimen is recommended and should be followed to ensure proper operation of the treatment system:

a. In-bay grit traps - Inspected daily and cleaned as needed but, not less than once per week;

b. Multi-chamber Sedimentation/Separation Tank - Inspected monthly. Oil and grease to be removed as needed to maintain proper operation. Solids should be handled in the same manner (also see Section C.2.);

c. Multi-media filter - The filter shall be replaced as necessary to maintain compliance with the discharge limitations and monitoring requirements contained in Section A.2 of this permit;

d. Major Maintenance - This work to be done as required. Major maintenance would include such items as repairs to individual treatment units, replacing damaged pipes and overhauling the filter when flow through has diminished to the point that overflow may occur.

e. Meter Readings – A water meter reading may be taken each time a sample is obtained.

7. Any facility proposing to perform engine degreasing as part of the vehicle washing operation must utilize additional means to control the amount of oil and grease entering the treatment system and/or being discharged from the system. This may include the placement of oil sorbent booms or pads in the in-bay grit traps and at the outlet from the treatment system. Failure to properly utilize additional means could result in the revocation of coverage under this general permit and the initiation of all appropriate enforcement actions.

C. VEHICLE WASHING REQUIREMENTS (Continued)

8. Provisions for minimum treatment technology;

a. For a proposed vehicle wash facility, the permittee shall have installed the required minimum treatment technology or other approved technology prior to discharging any wastewater.

b. For any existing facilities that may not have treatment, or may have inadequate treatment, the required minimum treatment technology or other approved technology must be installed within ninety (90) days after the site registration application has been approved by this agency.

9. Permittees with "uncontained" multi-media filters (filters that are not enclosed in concrete, metal or sealed block containers) will be required to enclose the filters or to perform additional monitoring. The permittee shall monitor for priority pollutant metals and BTEX (benzene, toluene, ethylbenzene, and xylene) at a frequency of once per six (6) months.

10. Vehicle washing facilities may be required to obtain coverage for storm water discharges under the appropriate section of this general WV/NPDES Permit. The determination will be based on the review of the operations and the information in the site registration application. The permittee may choose instead, however, to obtain an individual WV/NPDES Permit.

D. SEWAGE FACILITY REQUIREMENTS

1. The permittee shall connect to a municipal or public service district sewage collection system when one becomes available, however, prior to this connection permittee shall obtain written permission from the municipal or public service district sewage system authority which will receive the waste and submit a request along with one (1) copy of the written permission to this agency for approval. Upon connection to a central sewer system, the permittee shall properly reclaim the treatment facility site.

2. The entire sewage treatment facility shall be adequately protected by fencing.

3. This permit is issued contingent upon the operator of this plant possessing at least a class I-S certificate for Wastewater Treatment Plant Operators, issued by the State of West Virginia.

4. The herein-described treatment works, structures, electrical and mechanical equipment shall be protected from physical damage by the maximum expected twenty-five (25) year flood level and operability be maintained during the ten (10) year flood level.

5. This permit authorizes the treatment of only domestic sewage from households and commercial establishments. The treatment of any industrial wastes, including waters from commercial car washes and laundries, is expressly prohibited.

6. Permittees and/or plant operators may be required, at the discretion of the Division of Water & Waste Management, to attend training courses sponsored by the Environmental Training Center at Cedar Lakes, WV if permittees and/or plant operators fail to properly operate and maintain their sewage disposal system as required in this Permit.

D. SEWAGE FACILITY REQUIREMENTS (Continued)

7. Permittees adding sewage collection system extensions or hook-ups beyond what is described in the original registration application or an approved modification of the registration will be subject to civil and/or criminal penalties.

8. Proposed wastewater treatment facilities must meet the requirements as described in their Permit to Construct issued by the Bureau for Public Health as a term of compliance with this General Permit.

9. TRC samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136. The permittee shall use an EPA Approved Method with at least a method detection level (MDL) of 20 ug/l. For those discharging to a trout stream and therefore having a TRC limit of zero, available sampling methods for total residual chlorine (TRC) are currently not sensitive enough to confirm compliance. Any TRC sampling result reported as less than the MDL stated above 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, those having a TRC limit of zero shall perform TRC self-monitoring in accordance with the new method. If the new method is not sensitive enough to determine compliance with specified TRC limits, analytical results reported, as "not detected" at the MDL of the new method will be deemed compliant for purposes of permit compliance.

E. SEWAGE FACILITY REQUIREMENTS – HOME AERATION UNITS

1. In lieu of self-monitoring of the discharge, the permittee is required to have a plan to properly operate and maintain this facility and have a current maintenance contract. Coverage under this section of the permit will only be to the permittee. The permittee shall be responsible for compliance.

2. Neither permittee nor contractor shall cancel the maintenance contract without prior approval from the Division of Water and Waste Management. If the maintenance contractor wishes to make a motion to terminate his or her maintenance contract with the owner, a Responsibility Release Request form shall be sent to our office for approval of such termination. This form must state the specific reason that the termination of the contract is being requested. If the owner wishes to get a maintenance contract with another service provider then they shall submit a transfer form and contract with the new provider. At the discretion of the Division of Water and Waste Management, approval may be granted and notification given within 30 days of receipt of the request.

3. Each quarter, or more frequently if needed, the maintenance contractor shall inspect and service the facility. Within seven (7) days upon completion of each inspection, a copy of the completed inspection form shall be mailed to the permittee. The permittee shall submit these to the agency in accordance with the provisions of Section G.12.

4. The permittee shall connect to a municipal or public service district sewage collection system when one becomes available.

5. This section of the permit authorizes the treatment of only domestic sewage with similarities to household wastewater and certain commercial businesses. The treatment of any industrial wastes, including waters from commercial car washes and laundries, or the treatment of wastes from food service operations is expressly prohibited.

E. SEWAGE FACILITY REQUIREMENTS – HOME AERATION UNITS (Continued)

6. At the discretion of the Division of Water and Waste Management, permittees that fail to properly operate and maintain their sewage disposal system, as required by this permit, may be required to attend all appropriate training courses deemed necessary to ensure proper operation.

7. All sewage treatment facilities authorized coverage under this permit shall remove sewage sludge from their system only by a septage hauler certified and registered under a septage hauler general permit issued by this office. The system shall be pumped by a certified hauler within 30 days of notification by the maintenance contractor that it is necessary. The system shall be pumped when the mixed liquor solids are above 6,000 mg/l or the final settler is more than 1/3 full of solids as determined by a jar test or other method recommended by the manufacturer. A copy of the receipt from the certified hauler shall be retained for 3 years.

8. TRC samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136. The permittee shall use an EPA Approved Method with at least a method detection level (MDL) of 20 ug/l. For those discharging to a trout stream and therefore having a TRC limit of zero, available sampling methods for total residual chlorine (TRC) are currently not sensitive enough to confirm compliance. Any TRC sampling result reported as less than the MDL stated above 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, those having a TRC limit of zero shall perform TRC self-monitoring in accordance with the new method. If the new method is not sensitive enough to determine compliance with specified TRC limits, analytical results reported, as "not detected" at the MDL of the new method will be deemed compliant for purposes of permit compliance.

9. All HAU systems must provide for disinfection of the effluent. Systems utilizing chlorination for disinfection must also provide for dechlorination of the effluent prior to final discharge. For systems installed after the effective date of this general permit, the chlorine contact chamber shall be visible and accessible for inspection and cleaning. Unless the system provides flow equalization to meet peak flows, the minimum size for the chlorine contact chamber shall be 25 gallons. Design of chlorine contact tanks shall be to minimize short-circuiting of flow. There shall be over and under or end-around baffling provided as per 64CSR47 Section 5.15.f.3 of the West Virginia Legislative Rules.

10. Only chlorine tablets approved for use in disinfection of wastewater shall be utilized. Permittees are strictly prohibited from using chlorine tablets designed for use in swimming pools.

11. When the treatment system is installed and serviced, a tag, provided by the contractor, shall be attached to the system, or displayed within 2 feet of the system, in a readily accessible manner. The tag shall be constructed of a weatherproof material, or other means provided to protect the tag from weather related damage. The tag shall show the name of the service contractor, the date (m/d/y) of the most recent visit by the service contractor and the initials of the person conducting the service. Separate tags for each service visit, or a multi-visit tag, may be utilized. Tags shall remain in place for one year from the date of the last service shown. Tags shall list the WVG41xxxx registration number assigned to the permittee.

E. SEWAGE FACILITY REQUIREMENTS – HOME AERATION UNITS (Continued)

12. Outlet Accessibility

The outlet shall be located in an area that is easily accessible for compliance inspection and monitoring:

a) It shall be free of debris and tall weeds;
b) It shall not be submerged under water;
c) It shall not be discharged into the ground (sub-surface);
d) It shall have proper ground clearance to allow for compliance monitoring;
e) It shall not be combined with any other outlet pipes or any form of drainage pipe; and
f) If it is drained into a culvert or storm drain it must be easily accessible for monitoring.

If site-specific conditions do not allow for the installation of an easily accessible outlet, then a sampling port may be installed instead. Sampling ports must be designed, constructed, and installed to provide easy access for collecting a "free fall" water sample from the effluent stream after chlorination and dechlorination.

13. Systems shall be installed as per the configuration presented for NSF testing. All appurtenances, materials and attachments, of the same model and construction used during testing, shall be included in each installation. A trash tank shall be included in circumstances recommended by manufacturer. Flow equalization shall be included in circumstances recommended by manufacturer.

F. SEWAGE SLUDGE MANAGEMENT REQUIREMENTS FOR SEWAGE FACILITIES

1. All sewage treatment facilities authorized coverage under this permit shall remove sewage sludge from their system only by a septage hauler that is certified and registered under one (1) of the two (2) septage hauler general permits issued by this Division.

2. Should permittees choose to use any sewage sludge disposal method other than the method listed in Section F.1 above, they must obtain prior approval of that method by the Director of this Division.

3. Upon authorization of coverage under this permit, the permittee shall have fulfilled the requirements of Appendix A, Part II, Section 5 of this Permit with respect to the sludge generated by the wastewater treatment facilities permitted herein and compliance with the terms and conditions of the approved Sewage Sludge Management Practices shall become incorporated herewith.

F. SEWAGE SLUDGE MANAGEMENT REQUIREMENTS FOR SEWAGE FACILITIES (Continued)

4. The permittee shall monitor and report yearly on the prescribed Sludge Management Report form. The beginning month and ending month of the 12 month monitoring period will be determined by the issuance date of the registration rather than running on a calendar year as was previously done. The report is to be submitted no later than 20 days following the end of the 12 month monitoring period. The report shall be submitted electronically unless otherwise approved by this agency in writing. If approved to submit via paper the quantity of sewage sludge produced and the form shall be submitted to the following addresses:

Director **Division of Water & Waste Management** **601 57th Street, SE** **Charleston, WV 25304** **Attention: Permitting Program**	**and**	**Environmental Enforcement** **(Regional address specified in Section III.2 of Appendix A)**

5. Permittee's twelve month monitoring and annual reporting dates are determined by the date coverage under the general permit was issued and/or reissued. Registrations issued/reissued on the first through the fifteenth of a month will use that month as part of the twelve month sampling period. The sampling period will begin in the following month of when the registration was issued in the instances where registrations are issued after the fifteenth of each month. For example, if permit coverage was issued in February, on or prior to 15th of the month, the monitoring period would be February through January with the annual report being due no later than February 20. If permit coverage was issued in February, after the 15th of the month, the monitoring period would be March through February with the annual report being due no later than March 20.

6. The permittee shall maintain all records and reports of all monitoring required by Section F of this permit for five (5) years after the date of monitoring or reporting. Records should include copies of all required reports; and records of all data used to complete these reports.

G. OTHER REQUIREMENTS APPLICABLE TO ALL GROUPS

1. 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, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

G. OTHER REQUIREMENTS APPLICABLE TO ALL GROUPS (Continued)

2. 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.

3. If an applicable standard or limitation is promulgated under Section 301(b) (2) (C) and (D), 304(b) (2) and/or 307(a) (2) of the Clean Water Act, and that effluent standard or limitation is more stringent than any effluent limitation in this permit, this permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

4. It is recognized that this general permit continues to be in the developmental stage and its limitations, standards and conditions will be reviewed by the Director at the time of reissuance, or earlier, if necessary, for possible revisions. Based upon that review, such revisions may be more or less stringent than the limitations, standards and conditions contained in this general permit.

5. 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 a NPDES application to 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.

6. If a site discharges to a stream where a federally endangered or threatened species or its habitat are present, the applicant must contact the US Fish and Wildlife Service to insure that requirements of the Federal Endangered Species Act are met.

7. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit in accordance with Section G.1. of this permit or the permit may be modified to include different limitations and/or requirements.

8. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

9. Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used. The permittee may not report the result as zero (-0-), "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

When averaging values of analytical results for DMR reporting purposes for monthly averages, the permittee should use actual analytical results when these results are greater than or equal to the MDL and should use zero (0) when these results are less than the MDL. If all analytical results are non-detect at the MDL (<MDL), then the permittee should use the actual MDL in the calculation for averaging and report the result as less than the average calculation.

G. OTHER REQUIREMENTS APPLICABLE TO ALL GROUPS (Continued)

10. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.

11. The Division has begun to analyze the impacts of nutrients upon water quality and to explore whether there is a need to establish nutrient water quality standards. Therefore, the Division shall impose effluent monitoring for Total Phosphorus for all groups and Total Nitrogen for the sewage categories in order to assist the Division in this analysis. Currently, there is no EPA approved method to directly test for Total Nitrogen. The value reported for Total Nitrogen should be the sum of the following:

Total Kjeldahl Nitrogen (TKN)
Nitrite (NO2)
Nitrate (NO3)

Each of these pollutants listed above has an EPA approved method.

12. The permittee shall not use alternate DMRs without prior approval from this agency.

13. The Director reserves the right to require more frequent reporting should there be compliance issues that may warrant such.

14. Storm water discharges associated with industrial activities located in urbanized areas (UA) shall be regulated under the Municipal Separate Storm Sewer System (MS4) General Permit. Other types of wastewater discharges may be covered under this permit.

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: _____.
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; 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 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 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 transferrable 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.

Appendix A

I. MANAGEMENT CONDITIONS: (Continued)

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 one (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 six (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 six (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.

15. 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

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 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

Appendix A

II. OPERATION AND MAINTENANCE: (Continued)

3. Bypass (Continued)

(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.

Appendix A

III. MONITORING AND REPORTING

1. Representative Sampling, Sample Type and Sampling Period

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

b. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the retention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a grab sample may be taken at any time within 24 hours from the beginning of rainfall. For all other discharges, samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impractical, a sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impractical.

c. The permittee shall sample in accordance with the measurement frequency prescribed for a Group. Quarterly measurement frequency periods shall be established as January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, and October 1st through December 31st.

Permittee's semi-annual sampling and reporting date is determined by the date coverage under the general permit was issued and/or reissued. Registrations issued/reissued on the first through the fifteenth of a month will use that month as part of the six month sampling period. The sampling period will begin in the following month of when the registration was issued in the instances where registrations are issued after the fifteenth of each month. For example, if permit coverage was issued in February, on or prior to 15th of the month, the sampling period would be February through July. If permit coverage was issued in February, after the 15th of the month, the sampling period would be March through August.

2. Reporting

a) Permittee shall submit each reporting period, 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).

b) The required DMRs must be submitted electronically starting July 1, 2011, unless otherwise approved by the agency in writing.

c) All DMRs regardless of whether you are reporting quarterly or semi-annually and regardless of whether submitting electronically or via paper shall submit no later than 20 days following the end of the sampling period.

Appendix A

III. MONITORING AND REPORTING (Continued)

2. Reporting (Continued)

   c. (Continued)

If approved to submit the required DMR via paper the report shall be mailed to:

Director
Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Attention: Permitting Section

AND

The appropriate Regional Office listed below:

Northwest Region: Environmental Enforcement
2031 Pleasant Valley Road
Suite No. 1
Fairmont, WV 26554

For facilities located in the following counties: Barbour; Brooke; Doddridge; Hancock; Harrison; Lewis; Marion; Marshall; Monongalia; Ohio; Pleasants; Ritchie; Taylor; 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
P. O. Box 662
Teays, WV 25569

For facilities located in the following counties: Boone; Cabell; Calhoun; Gilmer; Jackson; Kanawha; Lincoln; Logan; Mason; Mingo; Putnam Roane; Wayne; Wirt and Wood.

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

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

Appendix A

III. MONITORING AND REPORTING (Continued)

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 Part III, Section 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) The "daily average fecal coliform" bacteria is the geometric average of all samples collected during the month.
j) "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.
k) "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.
l) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.
m) "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.
n) "CWA" means Clean Water Act or the Federal Water Pollution Control Act.
o) "Director" means the Director of the Division of Water and Waste Management, Department of Environmental Protection or their designated representative.

Appendix A

III. MONITORING AND REPORTING (Continued)

7. Definitions (Continued)

p) "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

q) "Salt Piles" means the commercial storage of common salt (sodium chloride).

r) "Section 313 water priority chemicals" means a chemical or chemical categories which are:

(1) Are listed at 40 CFR 372.65 pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;

(2) Are present at or above threshold levels at a facility subject to SARA Title III, section 313 reporting requirements; and

(3) That meet at least one of the following criteria: (1) Area listed to appendix D of 40 CFR part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) Are listed as a hazardous substance pursuant to Section 311 (b)(2)(A) of the CWA at 40 CFR 116.; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

s) "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

t) "Site Registration Application Form" means the form(s) designed by the Director for the purpose of making application for coverage under a general permit.

u) "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the CWA (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

v) "Storm Water" means storm water runoff, snow melt runoff and surface runoff and drainage.

w) "Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the industries covered under this permit, the terms includes, but is not limited to storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites, refuse sites, sites used for the application or disposal of process wastewater (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of the storm water regulations (40 CFR Part 122.26), material handling activities include the storage, loading and uploading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas.

(x) "Trout Streams" means any waters which meet the definition of Section 2.18 of 46 CSR1.

(y) "Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

(z) "25-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 25 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(aa) "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

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.

Appendix A

IV.OTHER REPORTING (Continued)

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 Part IV, Section 2 of this Appendix.

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.

c) In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Director in writing 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, or any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
      (A) One hundred micrograms per liter (100 ug/l);
      (B) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitro phenol; and for 2-methyl 4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
      (C) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.9 of Series10, Title 47.
      (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47;
   (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 which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
      (A) Five hundred micrograms per liter (500 ug/l);
      (B) One milligram per liter (1 mg/l) for antimony;
      (C) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.7 of Series 10, Title 47;
      (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47.
   (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.

   (4) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

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).