Application No. OH0134937

Issue Date: March 29, 2013

Effective Date: May 1, 2013

Expiration Date: April 30, 2018

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

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

Buckingham Coal Company LLC

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge water pollutants from the the #7 Underground Mine complex located along Township Road 298, Monroe Township, Perry County and discharging to a ditch and an unnamed tributary to Sunday Creek in accordance with the conditions specified in Parts I, II, and III of this permit.

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

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

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Craig W. Butler
Director

Total Pages: 46

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

1. During the period beginning on the effective date of this permit and lasting until 36 months after the effective date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Initial - 001 - Initial - 001 - Initial

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	19.1	-	9.54	1 / 2 Weeks	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	1.64	-	0.818	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	1.1	-	0.546	1 / 2 Weeks	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	12	-	-	-	-	-	-	1/Year	Grab	Yearly
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Notes for station 0IL00142001:

- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).
- Grab Samples- See Part II, Item E.

* Loading Limits are based on a design flow of 72,000 gpd.

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

2. During the period beginning 36 months after the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	19.07	-	9.53	1 / 2 Weeks	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00945 - Sulfate, (SO4) - mg/l	1142	-	-	-	312	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	1.636	-	0.818	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	1.090	-	0.545	1 / 2 Weeks	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	12	-	-	-	-	-	-	1/Year	Grab	Yearly
70300 - Residue, Total Filterable - mg/l	-	-	-	1500	-	-	409	1/Quarter	Grab	Quarterly

Notes for station 0IL00142001:

- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).
- Grab Samples- See Part II, Item E.

* Loading Limits are based on a design flow of 72,000 gpd.

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

3. During the period beginning on the effective date of this permit and lasting until 36 months after the effective date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142002. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 002 - Initial - 002 - Initial - 002 - Initial

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	12	-	-	-	-	-	-	1/Year	Grab	Yearly
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Notes for Station Number 0IL00142002:

- Grab Samples- See Part II, Item E.
- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoirng requirements listed in Part II, Items (F) (1) (a) or (b) instead of those listed above provided that all conditions in Part II, Item (F) (2) are met.

- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).

- Flow monitoring "When Discharging" means that flow must be reported daily whenever there is a discharge, but when there is no discharge, a value does not have to be reported on the DMR. If no sample is collected as required by the permit or if flow is not reported when there is a discharge, see Part II, Item L for the appropriate instructions and codes to use on the DMR.

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

4. During the period beginning 36 months after the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142002. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 002 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00916 - Calcium, Total (Ca) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00927 - Magnesium, Total (Mg) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00929 - Sodium, Total (Na) - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	2/Year	Grab	Semi-annual
00945 - Sulfate, (SO4) - mg/l	1142	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	12	-	-	-	-	-	-	1/Year	Grab	Yearly
70300 - Residue, Total Filterable - mg/l	-	-	-	1500	-	-	-	1/Quarter	Grab	Quarterly

Notes for Station Number 0IL00142002:

- Grab Samples- See Part II, Item E.
- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoirng requirements listed in Part II, Items (F) (1) (a) or (b) instead of those listed above provided that all conditions in Part II, Item (F) (2) are met.

- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).

- Flow monitoring "When Discharging" means that flow must be reported daily whenever there is a discharge, but when there is no discharge, a value does not have to be reported on the DMR. If no sample is collected as required by the permit or if flow is not reported when there is a discharge, see Part II, Item L for the appropriate instructions and codes to use on the DMR.

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

5. During the period beginning on the effective date of this permit and lasting until 36 months after the effective date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142003. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 003 - Initial - 003 - Initial - 003 - Initial

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	-	-	-	-	-	-	-	1/Week	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00978 - Arsenic, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00982 - Thallium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00999 - Boron, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01032 - Chromium, Hexavalent (Cr +6) - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Notes for Station Number 0IL00142003:

-Grab Samples- See Part II, Item E.
- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).
- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoirng requirements listed in Part II, Items (I) (1) (a) or (b) instead of those listed above provided that all conditions in Part II, Item (I) (2) are met.

- Flow monitoring "When Discharging" means that flow must be reported daily whenever there is a discharge, but when there is no discharge, a value does not have to be reported on the DMR. If no sample is collected as required by the permit or if flow is not reported when there is a discharge, see Part II, Item L for the appropriate instructions and codes to use on the DMR.

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

6. During the period beginning 36 months after the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142003. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 003 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	-	-	-	-	-	-	-	1/Week	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00945 - Sulfate, (SO4) - mg/l	1142	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00978 - Arsenic, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00982 - Thallium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00999 - Boron, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01032 - Chromium, Hexavalent (Cr +6) - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
70300 - Residue, Total Filterable - mg/l	-	-	-	1500	-	-	-	1/Quarter	Grab	Quarterly

Notes for Station Number 0IL00142003:

- Grab Samples- See Part II, Item E.
- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).
- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoirng requirements listed in Part II, Items (I) (1) (a) or (b) instead of those listed above provided that all conditions in Part II, Item (I) (2) are met.

- Flow monitoring "When Discharging" means that flow must be reported daily whenever there is a discharge, but when there is no discharge, a value does not have to be reported on the DMR. If no sample is collected as required by the permit or if flow is not reported when there is a discharge, see Part II, Item L for the appropriate instructions and codes to use on the DMR.

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

7. During the period beginning on the effective date of this permit and lasting until 36 months after the effective date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142004. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 004 - Initial - 004 - Initial - 004 - Initial

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	-	-	-	-	-	-	-	1/Week	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00945 - Sulfate, (SO4) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00978 - Arsenic, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00982 - Thallium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00999 - Boron, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01032 - Chromium, Hexavalent (Cr +6) - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
70300 - Residue, Total Filterable - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Notes for Station Number 0IL00142004:

- Grab Samples- See Part II, Item E.
- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).
- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoirng requirements listed in Part II, Items (I) (1) (a) or (b) instead of those listed above provided that all conditions in Part II, Item (I) (2) are met.

- Flow monitoring "When Discharging" means that flow must be reported daily whenever there is a discharge, but when there is no discharge, a value does not have to be reported on the DMR. If no sample is collected as required by the permit or if flow is not reported when there is a discharge, see Part II, Item L for the appropriate instructions and codes to use on the DMR.

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

8. During the period beginning 36 months after the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 0IL00142004. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 004 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	Total	All
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1 / 2 Weeks	Grab	All
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	-	-	1 / 2 Weeks	Grab	All
00545 - Residue, Settleable (Volume) - mL/L	-	-	-	-	-	-	-	1/Week	Grab	All
00550 - Oil and Grease, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
00940 - Chloride, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00945 - Sulfate, (SO4) - mg/l	1142	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00978 - Arsenic, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00982 - Thallium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00999 - Boron, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01032 - Chromium, Hexavalent (Cr +6) - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	-	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
70300 - Residue, Total Filterable - mg/l	-	-	-	1500	-	-	-	1/Quarter	Grab	Quarterly

Notes for Station Number 0IL00142004:

- Grab Samples- See Part II, Item E.
- Monitoring and sampling shall be performed as required in the above table. If no sample is collected because there is no discharge or for any other reason, see Part II, Item L for the appropriate instructions and codes to use on the monthly discharge monitoring report (DMR).
- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoirng requirements listed in Part II, Items (I) (1) (a) or (b) instead of those listed above provided that all conditions in Part II, Item (I) (2) are met.

- Flow monitoring "When Discharging" means that flow must be reported daily whenever there is a discharge, but when there is no discharge, a value does not have to be reported on the DMR. If no sample is collected as required by the permit or if flow is not reported when there is a discharge, see Part II, Item L for the appropriate instructions and codes to use on the DMR.

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

9. During the period beginning on the effective date of this permit and lasting until the expiration date , the permittee is authorized to discharge (recycle) in accordance with the following limitations and monitoring requirements from outfall 0IL00142603. See Part II, OTHER REQUIREMENTS, for the location of the permitted outfall and the location to sample/monitor the effluent..

Table - Internal Monitoring Station - 603 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All

Notes for station 0IL00142603:
- See Part II, Item H.

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

10. During the period beginning on the effective date of this permit and lasting until the expiration date , the permittee is authorized to discharge (recycle) in accordance with the following limitations and monitoring requirements from outfall 0IL00142604. See Part II, OTHER REQUIREMENTS, for the location of the permitted outfall and the location to sample/monitor the effluent..

Table - Internal Monitoring Station - 604 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00056 - Flow Rate - GPD	-	-	-	-	-	-	-	1/Day	24hr Total Estimate	All

Notes for station 0IL00142604:
- See Part II, Item H.

Part I, A REQUIREMENTS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY AND NON-STORM WATER DISCHARGES

11. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge storm water associated with industrial activity including storm water associated with industrial activity at the above outfalls and any authorized non-storm water discharges. See Part II, Item O. for requirements for Storm Water from Industrial Activity and authorized non-storm water discharges.

Part I, C. - SCHEDULE OF COMPLIANCE

Schedule of Compliance to Meet Final Effluent Limitations for Sulfate (00945) and Residue, Total Filterable (70300):

The permittee must meet the final effluent limitations for these parameters, for outfalls 001, 002, 003, 004. If the installation of additional treatment is necessary to meet the pollutant limitations, the permittee must submit an Application for Permit to Install to the Ohio EPA District Office.

1. The permittee must meet the final effluent limitations for these parameters, for outfalls 001, 002, 003, and 004, at the earliest possible date but no later than 36 months after the effective date of this permit.

2. No later than six months after the effective date of this permit, the permittee shall submit to Ohio EPA in writing a statement that the permittee can or cannot meet the final effluent limitations with current treatment and method of operation. If the permittee determines compliance is not possible without changes to treatment and/or method of operation, see items 3. and 4. below.

3. At such time that the permittee determines that they will be unable to meet the final effluent limitations without additional treatment or changes to the operations, the permittee shall submit quarterly progress reports to Ohio EPA Southeast District office. The initial report shall note the permittee's plan to attain compliance and the steps and schedule necessary to achieve compliance and in subsequent reports, the report shall note the dates steps have been completed and the remaining steps and schedule to attain compliance with the final effluent limitations.

4. If installation of additional treatment or changes or modifications to the existing treatment systems or changes to the operation(s) are necessary to meet the pollutant limitations, the permittee must submit an Application for Permit to Install to the Ohio EPA District Office no later than nine (9) months before the date the final effluent limitations will be effective.

Part II, OTHER REQUIREMENTS

A. Descriptions of the location of the permitted discharge outfalls and required effluent sampling/monitoring stations are as follows:

Permitted Outfall or Effluent Sampling/ Monitoring Station	Description of Permitted Outfall or Effluent Sampling/ Monitoring Location
0IL00142001	Discharge from settling pond (named pond 011B) located near the deep mine entrance boxcut, and receiving water pumped from the underground mine. Sample at the pond 011B outfall prior to the water entering a second pond which discharges to an unnamed tributary of Sunday Creek. (Lat: 39 N 34' 21" ; Long: 82 W 03' 38")
0IL00142002	Discharge from settling pond (named pond 003) which receives stormwater runoff from the coal storage pad. Sample at the pond outfall prior to the water entering an unnamed tributary of Sunday Creek. (Lat: 39 N 34' 15" ; Long: 82 W 03' 45")
0IL00142003	Discharge from settling pond which receives seepage from the coal waste slurry impoundment and stormwater runoff from the outslope of the slurry impoundment, prior to discharging to an unnamed tributary to Sunday Creek. (Lat: 39N 34 ' 26 " ; Long: 82 W 03' 41 ")
0IL00142004	Discharge from settling pond which receives seepage from the coal waste slurry impoundment and stormwater runoff from the outslope of the slurry impoundment, prior to discharge to an unnamed tributary of Sunday Creek. (Lat: 39N 34 ' 12 " ; Long: 82 W 03' 53 ")
0IL00142603	Internal monitoring station for water recycled back to the slurry impoundment from the pond with external outfall 0IL00142003.
0IL00142604	Internal monitoring station for water recycled back to the slurry impoundment from the pond with external outfall 0IL00142004.

B. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

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

D. Permit limitations may be revised in order to meet water quality standards after a stream use determination and waste load allocation are completed and approved. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable water quality effluent limitations.

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

F. The discharges from outfalls 0IL00142001 and 0IL00142002 are eligible for the alternative effluent limits listed in section (1) below provided that the applicability and submission requirements listed in section (2) below are met.

1. Alternative Effluent Limits

a. Increase in the volume of the discharge is caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits are as follows:

. EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
.			Concentration		Loading			
Reporting Code/Units		Parameter	Other Units (Specify) 30 Day	Daily	Kg/day 30 Day	Daily	Measurement Frequency	Sample Type
00045	IN	Total Precipitation	-	-	-	-	Daily	24 Hr. Total
00400	S.U.	pH	6.5 to 9.0 at all times				1/2 Weeks	Grab
00530	mg/l	Total Suspended Solids	-	-	-	-	1/2 Weeks	Grab
00545	ml/l	Residue, Settleable	-	0.5	-	-	1/2 Weeks	Grab
01045	ug/l	Iron, Total (Fe)	-	-	-	-	1/2 Weeks	Grab
01055	ug/l	Manganese, Total (Mn)	-	-	-	-	1/2 Weeks	Grab
00056	gpd	Flow Rate	-	-	-	-	Daily	24 Hr. Total
00945	mg/l	Sulfate	-	-	-	-	1/2 Weeks	Grab
70300	mg/l	TDS	-	-	-	-	1/2 Weeks	Grab

b. Increase in the volume of the discharge is caused by precipitation greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits are as follows:

. EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
.			Concentration		Loading			
Reporting Code/Units		Parameter	Other Units (Specify) 30 Day	Daily	Kg/day 30 Day	Daily	Measurement Frequency	Sample Type
00045	IN	Total Precipitation	-	-	-	-	Daily	24 Hr. Total
00400	S.U.	pH	6.5 to 9.0 at all times				1/2 Weeks	Grab
00530	mg/l	Total Suspended Solids	-	-	-	-	1/2 Weeks	Grab
00545	ml/l	Residue, Settleable	-	-	-	-	1/2 Weeks	Grab
01045	ug/l	Iron, Total (Fe)	-	-	-	-	1/2 Weeks	Grab
01055	ug/l	Manganese, Total (Mn)	-	-	-	-	1/2 Weeks	Grab
00056	gpd	Flow Rate	-	-	-	-	Daily	24 Hr. Total Est.
00945	mg/l	Sulfate	-	-	-	-	1/2 Weeks	Grab
70300	mg/l	TDS	-	-	-	-	1/2 Weeks	Grab

2. Applicability and Submission Requirements

a. The samples of the discharge for all parameters listed are collected during, or within 24 hours after the applicable precipitation event.

b. The operator proves that the discharge or the increase in the discharge was caused by the applicable precipitation event. The following information must be submitted by the permittee as proof of qualification for the alternative effluent limitations:

i. A statement of the precipitation event for which the alternative limits are being sought and the amount of rainfall specified for that precipitation event as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Atlas of the United States", May 1961, or equivalent regional rainfall probability information developed therefrom;

ii. The date, duration (time begin/time end), and total 24-hour accumulation (inches), of the precipitation which caused the discharge or increase in volume of the discharge; and

ii. The date and time grab samples were collected.

c. The permittee should report "AH" in the appropriate location on the Monthly Operating Report (MOR) Form 4500 where the data would have gone if alternative limits were not applicable. The information required above in Part II, Item (L)(2)(b) should be included in the "Additional Remarks" section of the MOR form.

G. Sediment which accumulates in the four treatment ponds (i.e. the ponds which outlet to outfalls 0IL00142001, 0IL00142002, 0IL00142003, and 0IL00142004) shall be removed from the ponds and disposed of properly whenever the sediment accumulation in the ponds reaches 20% of the original design volume of the ponds below the normal pond outlet elevations. The permittee shall notify the Ohio EPA District Office prior to conducting sediment removal from the ponds. The permittee shall provide a written report to Ohio EPA Southeast District Office Division of Surface Water whenever such sediment removal is conducted. The report shall estimate the volume of sediment removed in cubic yards and the location of disposal.

H. Operation of Ponds (0IL00142003 and 0IL00142004):

1. During dry weather conditions (i.e. beginning 24 hours after the end of a precipitation event excluding Sundays and Holidays), all wastewater draining into the two ponds which outlet to outfalls 0IL00142003 and 0IL00142004 shall be pumped from the ponds and routed back to the slurry impoundment so that there is no discharge from these external outfalls. The daily volume of water pumped from the ponds back to the slurry impoundment must be reported on the Discharge Monitoring Report for the appropriate monitoring station.

2. During dry weather periods, both pond water surface elevations must be maintained at a level 3 ft. below the principal spillway inlet. This must be accomplished by regularly pumping the pond water back to the coal slurry impoundment. The pumping must commence within 24 hours of the end of a precipitation event, excluding Sundays and Holidays.

3. During wet weather conditions, best management practices must be employed such that the volume of wastewater discharged to surface waters through outfalls 0IL00142003 and 0IL00142004 is minimized.

4. Buckingham Coal Company must maintain a daily log documenting the following:

a. each day that pumping to the slurry impoundment from the ponds occurs
b. the estimated volume of water that was pumped back to the slurry impoundment from each pond on those days
c. the precipitation for each day of the month, taken from the nearest gaging station
d. the reason(s) it was necessary to discharge to surface waters, on those days that a discharge to surface waters from a pond (or ponds) was necessary, and why recycling of the water back to the impoundment was not possible.
e. the name of the person making each daily log entry

I. The discharges from outfalls 0IL00142003 and 0IL00142004 are eligible for the alternative effluent limits listed in section (1) below provided that the applicability and submission requirements listed in section (3) below are met.

1. Alternative Effluent Limits for outfalls 003 and 004:

a. If the discharge or increase in the volume of the discharge is caused by precipitation within any 24 hr. period greater than the 1 year, 24 hour precipitation event (or snowmelt of equivalent volume) but less than or equal to the 10-year, 24-hour precipitation event, the alternative limits (with monitoring/reporting requirements) are as follows:

. EFFLUENT		DISCHARGE				MONITORING	
. CHARACTERISTIC		LIMITATIONS				REQUIREMENTS	
.		Concentration		Loading			
Reporting		Other Units (Specify)		Kg/day		Measurement	Sample
Code/Units	Parameter	30 Day	Daily	30 Day	Daily	Frequency	Type
00045	IN Total Precipitation	-	-	-	-	Daily	24 Hr. Total
00400	S.U. pH	6.5 to 9.5		at all times		1/2 weeks	Grab
00530	mg/l Total Suspended Solids	-	-	-	-	1/2 weeks	Grab
00545	ml/l Residue, Settleable	-	0.5	-	-	1/ week	Grab
01045	ug/l Iron, Total (Fe)	-	-	-	-	1/2 weeks	Grab
01055	ug/l Manganese, Total (Mn)	-	-	-	-	1/2 weeks	Grab
00056	gpd Flow Rate	-	-	-	-	Daily	24 Hr. Total Estimate

b. If the discharge or increase in the volume of the discharge is caused by precipitation greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits (with monitoring/reporting requirements) are as follows:

Reporting Code/Units	Parameter	Concentration Other Units (Specify) 30 Day	Concentration Other Units (Specify) Daily	Loading Kg/day 30 Day	Loading Kg/day Daily	Measurement Frequency	Sample Type
00045 IN	Total Precipitation	-	-	-	-	Daily	24 Hr. Total Est.
00400 S.U.	pH	6.5 to 9.5 at all times				1/2 weeks	Grab
00530 mg/l	Total Suspended Solids	-	-	-	-	1/2 weeks	Grab
00545 ml/l	Residue, Settleable	-	-	-	-	1/ week	Grab
01045 ug/l	Iron, Total (Fe)	-	-	-	-	1/2 weeks	Grab
01055 ug/l	Manganese, Total (Mn)	-	-	-	-	1/2 weeks	Grab
00056 gpd	Flow Rate	-	-	-	-	Daily	24 Hr. Total Est.

2. Applicability and Submission Requirements

a. The samples of the discharge for all parameters listed are collected during, or within 24 hours after the applicable precipitation event.

b. The operator proves that the discharge or the increase in the discharge was caused by the applicable precipitation event. The following information must be submitted by the permittee as proof of qualification for the alternative effluent limitations:

i. A statement of the precipitation event for which the alternative limits are being sought and the amount of rainfall specified for that precipitation event as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Atlas of the United States", May 1961, or equivalent regional rainfall probability information developed therefrom;

ii. The date, duration (time begin/time end), and total 24-hour accumulation (inches), of the precipitation which caused the discharge or increase in volume of the discharge; and
iii. The date and time grab samples were collected.

c. The permittee should report "AC" in the appropriate location on the Monthly Operating Report (MOR) Form 4500 where the data would have gone if alternative limits were not applicable. The information required above in Part II, Item (D)(1)(b) should be included in the "Additional Remarks" section of the MOR form.

J. Mercury Testing and Mercury Information for Next Renewal Application

The permittee shall use either EPA Method 1631 or EPA Method 245.7 promulgated under 40 CFR 136 to comply with the effluent mercury monitoring requirements of this permit.

1) Based on an evaluation of mercury data for outfalls (0IL00142) 001, 002, 003, and 004, collected using either Method 1631 or Method 245.7, the permittee shall submit one of the following to Ohio EPA with the next renewal application.

a) A letter stating that the discharge is able to comply with the water quality standard for mercury for average criteria of 12 ng/l.

b) If the permittee determines that discharge concentrations of mercury will exceed the water quality standards for mercury without the construction of expensive end-of-pipe controls, a variance from the mercury water quality standards is available under paragraph (D)(10) of rule 3745-33-07. If the permittee determines it is eligible, it may submit an application for coverage under this mercury variance. Paragraphs (D)(10)(a) and (b) of rule 3745-33-07 include information on eligibility for coverage and list the information that must be included in the application; or

c) If the permittee determines that discharge concentrations of mercury will exceed the water quality standards, and it is not eligible for coverage under the mercury variance available at paragraph (D)(10) of rule 3745-33-07, it may submit an application for an individual variance from water quality standards. Paragraph (D)(1-3) of rule 3745-33-07 provides information on the applicability and conditions of an individual variance. Paragraph (D)(4) of the rule list the information that must be included in the application.

Applications submitted under this item shall be sent to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049.

K. The permittee shall use either EPA Method 1631 or Method 245.7 promulgated as an approved method for mercury analysis under 40 CFR 136, to comply with the mercury monitoring requirements of this permit.

L. Monitoring/Reporting Requirements and Reporting Codes for Monitoring/Sampling Stations.

1) If there is no discharge during the month:
a) If using form 4500, report "AL" in the first column of the first day of the month. The AL code is only valid for DMRs submitted on paper using form 4500. Do not report "0" for flow or use any other reporting codes other than "AL".
b) If using e-DMR, DO NOT USE THE "AL" CODE or any other code or report "0" for flow. If no discharge occurred for the full monitoring period, select the "No Discharge" check box at the top of the e-DMR form and enter "No discharge during the month" in the Remarks Section.
Sign or PIN theDMR.

2) If there are no discharges on one or more required monitoring days during the month:
a) Enter the required monitoring data for the days when a discharge occurred;
b) For each required monitoring day there was no discharge, do not enter "0" for flow. Enter code "AC" for each parameter for each monitoring day the facility was not discharging.

3) If no sample is taken on a required monitoring day, use these codes if applicable:

a) Use the "AN" or the "AH" codes. Use the "AN" code to indicate when samples are not collected on days that the facility is not normally staffed. The use of this code is limited to Saturdays, Sundays, and officially recognized municipal holidays if the treatment plant is not normally staffed on those days and staff are needed for sampling. This code is only acceptable for parameters that are sampled daily, but cannot be used if continuous monitoring and recording is used, e.g. flow metering, continuous pH or temperature monitoring. For parameters sampled at a lesser frequency, the sampling date should be moved to a date when the facility is staffed. Enter code "AN" for each parameter for each monitoring day the facility was not staffed.

b) Use the "AH" code when a required sample is not taken for a reason other than one covered by another "A" code. An explanation as to why the sample was not taken must be entered as a Specific Comment for that parameter and date on eDMR or in the Remarks Section of the form 4500. Enter code "AH" for each parameter for each monitoring day a sample was not taken.

c) Other data substitution codes (a.k.a. "A Codes") are available. The Data Substitution Codes used on the Monthly Discharge Monitoring Report form or eDMR are as follows:

AA - Below Detectable Limit
AB - Analytical Data Lost
AC -Facility Not Discharging (or No Sludge Hauled)
AD - Automatic Analyzer Out of Service
AE - Analytical Data Not Valid
AF - Sample Site Inaccessible Due to Flooding or Freezing
AH - Sample Not Taken, Explanation Included
AJ - Above Range of Automatic Analyzer
AK - Biological Sample Too Numerous to Count
AL - No Discharge For the Month
AN - Sample Not Taken, Plant Not Normally Staffed (Saturdays, Sundays, and Holidays)

More detailed information about the A Codes is available at:
http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx .

M. The permittee shall maintain a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit and discharges to unnamed tributaries to Sunday Creek. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall be not be obstructed such that persons fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that.

N. Monitoring Report Name Change

The name of the monitoring reports required for each effluent table contained in this permit has been changed from “Monthly Operating Report” (MOR) to “Discharge Monitoring Report” (DMR). The circumstances requiring the submittal of a DMR remain the same as those which were required for an MOR. Form 4500 must be used for DMR submittal.

O. STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY AND NON-STORM WATER DISCHARGES

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge storm water associated with industrial activity and authorized non-storm water discharges.

Authorized non-storm water discharges are from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used; air conditioning condensate; boiler condensate; springs; groundwater; and foundation or footing drains from various outfalls.

The permittee must still meet the requirements of Part III, Item 2 for the above non-storm water discharges.

This permit does not authorize the discharge of storm water from construction activity disturbing over one (1) acre.

NOTE: The permit requirements below apply unless the permittee has qualified for a no-exposure certification. For information on obtaining a no-exposure certification go to www.epa.state.oh.us/dsw/storm/stormform.aspx#no_exposure_certification

Permit requirements:

1. The permittee shall prepare, or update as appropriate, a storm water pollution prevention plan (SWPPP) in accordance with USEPA Guidance " Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators, February 2009". A copy is at http://www.epa.gov/npdes/pubs/industrial_swppp_guide.pdf . For additional information on storm water management for industrial activities and developing storm water pollution prevention plans and best management practices go to the USEPA's storm water publications website; http://cfpub.epa.gov/npdes/docs.cfm?program_id=6&view=allprog&sort=name . Documents are in alphabetical order

a. The SWPPP:

i. Shall be prepared within six months of the effective date of this permit (and updated as appropriate)
ii. Shall provide for implementation and compliance with the terms of the plan within twelve months of the effective date of this permit.

b. Signature and Plan Review:

i. The plan shall be signed and certified by the same person authorized to sign the NPDES permit applications in accordance with the requirements of 40 CFR 122.22. The plan shall be retained on-site at the facility which generates the storm water discharge.
ii. The permittee shall make plans available upon request to the Ohio EPA Director, or authorized representative or Regional Administrator of U.S. EPA, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.
iii. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

2. 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 permittee shall implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

3. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharges associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the SWPPP and whether additional control measures are needed. This information shall be compiled in an annual report. The annual report shall be completed 30 days after the annual inspection is completed. The Report must also identify any incidents of non-compliance and contain a certification regarding the facility's status of compliance the SWPPP and this Permit.

4. The permittee shall maintain the annual report and certification for a period of three years.

5. If as a result of the inspections additional control measures are determined to be needed, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing the discharge of pollutants or otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity at the facility, the permittee shall amend the plan. The permittee shall also amend the plan whenever there is a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants to the waters of the State.

6. The inspection reports and certifications shall be signed in accordance with 40 CFR Section 122.22.

P. Submittal of Reports

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22(b) and (c).

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

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

A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;

B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;

C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit shall be submitted monthly on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

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

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

B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For partnerships - a general partner;

3. For a sole proprietorship - the proprietor; or,

4. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

http://www.epa.ohio.gov/dsw/edmr/eDMRpin.aspx

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

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

D. Regardless of the submission method, a paper copy of the submitted Ohio EPA 4500 DMR shall be maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted. For submittals on paper, make a copy of the completed paper form after it is signed by a Responsible Official or a Delegated Responsible Official.

E. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

B. The person(s) who performed the sampling or measurements;

C. The date the analyses were performed on those samples;

D. The person(s) who performed the analyses;

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

A. All sampling and analytical records (including internal sampling data not reported);

B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

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

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 11.B and 11.C.

B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

C. Prohibition of Bypass

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

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

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

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

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

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

a. The name of the permittee, and a contact name and telephone number;

b. The limit(s) that has been exceeded;

c. The extent of the exceedance(s);

d. The cause of the exceedance(s);

e. The period of the exceedance(s) including exact dates and times;

f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,

g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

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

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

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

a. The name of the permittee, and a contact name and telephone number;

b. The time(s) at which the discharge occurred, and was discovered;

c. The approximate amount and the characteristics of the discharge;

d. The stream(s) affected by the discharge;

e. The circumstances which created the discharge;

f. The name and telephone number of the person(s) who have knowledge of these circumstances;

g. What remedial steps are being taken; and,

h. The name and telephone number of the person(s) responsible for such remedial steps.

2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.

C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:

1. The compliance event which has been or will be violated;

2. The cause of the violation;

3. The remedial action being taken;

4. The probable date by which compliance will occur; and,

5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.

F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

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

15. AUTHORIZED DISCHARGES

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

16. DISCHARGE CHANGES

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

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

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;

2. The addition of any new significant industrial discharge; and

3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

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

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

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

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

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

17. TOXIC POLLUTANTS

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

18. PERMIT MODIFICATION OR REVOCATION

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

1. Violation of any terms or conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

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

19. TRANSFER OF OWNERSHIP OR CONTROL

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

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

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

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than $25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Not withstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.