

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)

and)

THE STATE OF OHIO,)

Plaintiffs,)

v.)

CITY OF IRONTON, OHIO,)

Defendant.)

Civil Action No.: 1:09-cv-11 (L)
1:09-cv-12 consol.

Judge: Michael R. Barrett

CONSENT DECREE

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CONSENT DECREE

WHEREAS, Plaintiff, United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“U.S. EPA”), filed a Complaint in this matter against the Defendant, City of Ironton, Ohio (“Ironton”), seeking injunctive relief and civil penalties, and alleging, *inter alia*, that Ironton violated the Clean Water Act (the “CWA”), 33 U.S.C. § 1251 *et seq.*, and certain terms and conditions of the National Pollutant Discharge Elimination System Permit (“NPDES Permit”) issued to Ironton pursuant to the CWA relating to the municipal wastewater treatment plant and collection system owned and operated by Ironton;

WHEREAS, Plaintiff State of Ohio (the “State of Ohio”), on behalf of the Ohio Environmental Protection Agency (“Ohio EPA”), simultaneously filed a separate Complaint against Ironton concerning Ironton’s WWTP and collection system and alleging violations of the CWA and of Chapter 6111 of the Ohio Revised Code (“O.R.C.”);

WHEREAS, the United States and the State of Ohio moved for consolidation of their actions;

WHEREAS, nothing in this Consent Decree will be construed as an admission by Ironton of violations of any provisions of the CWA, or of Ironton's current or past NPDES Permits, or of Chapter 6111 of the Ohio Revised Code;

WHEREAS, the United States, the State of Ohio, and Ironton ("Parties") recognize, and this Court by entering this Consent Decree finds, that this Consent Decree has been negotiated in good faith and will avoid prolonged and complicated litigation between the Parties, and that this Consent Decree is fair, reasonable, and in the public interest;

WHEREAS, Ironton is a municipal corporation located in Lawrence County, Ohio, and is organized and existing under the laws of the State of Ohio. Ironton owns, operates, and maintains a publicly owned treatment works ("POTW") which includes a treatment plant known as the Ironton Wastewater Treatment Plant ("WWTP") and a collection system ("Collection System") which collects stormwater and wastewater from residential, commercial and industrial sources for the purpose of transporting that wastewater to the WWTP. The WWTP and Collection System are authorized to discharge pollutants in accordance with Ironton's NPDES Permit into the Ohio River;

WHEREAS, the United States brings its claims pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. In its complaint, the United States seeks the imposition of civil penalties and injunctive relief against Ironton for alleged violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and terms and conditions of the NPDES Permit issued by the Ohio Environmental

Protection Agency ("Ohio EPA") as Ohio EPA Permit No. OPD00007*GD in 2002, as modified in 2004, and Ohio EPA Permit No. OPD00007*JD.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I below, and with the consent of the Parties, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1331, 1345, 1355. This Court also has personal jurisdiction over the Parties to this action. Venue is proper in this District pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and 1395(a). The Complaints state claims upon which relief may be granted. Authority for the United States to bring this action is vested in the United States Department of Justice pursuant to Section 506 of the CWA, 33 U.S.C. § 1366, and 28 U.S.C. §§ 516 and 519.

2. Ironton waives any and all objections that it might have to the Court's jurisdiction to enter and enforce this Consent Decree and to venue in this District.

II. APPLICABILITY AND BINDING EFFECT

3. This Consent Decree will apply to and be binding upon the United States, on behalf of U.S. EPA, the State of Ohio, on behalf of Ohio EPA, and upon Ironton, its successors and assigns, its officers, directors, employees, and agents in their capacities as such, and all other persons and entities as provided for in Fed. R. Civ. P. 65(d). In any action to enforce this Decree, Ironton will not raise as a defense to liability the failure of its officers, directors, agents, servants, contractors, employees or any other persons or entities provided for in Fed. R. Civ. P.

65(d) to take any actions necessary to comply with the provisions hereof. Ironton shall provide a copy of this Consent Decree to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this Decree, as well as to any contractor retained to perform work required under this Consent Decree. Ironton shall condition any such contract upon performance of the work in conformity with the terms of this Consent Decree.

4. Effective from the date of lodging of this Decree until its termination, in the event that Ironton transfers any ownership or operation of its WWTP, the Collection System, or any portion of the WWTP or Collection System, and includes in such transfer the transfer of any obligations under this Consent Decree, Ironton will give written notice and a copy of this Consent Decree to any successors in interest at least thirty (30) days prior to such transfer. Ironton will condition any transfer, in whole or in part, of ownership, operation, or other interest in its WWTP, the Collection System, or any other portion of the Ironton WWTP and/or Collection System, upon the successful execution of the terms and conditions of this Decree. Simultaneously with such notice, Ironton will provide written notice of such transfer to the United States and the State of Ohio as provided in Section XVII (Notices and Submissions). In the event of any such transfer of ownership or other interest, Ironton will not be released from the obligations or liabilities of this Consent Decree unless: (i) the transferee has the financial and technical ability to assume these obligations and liabilities; (ii) the United States and the State of Ohio have agreed to release Ironton from the obligations and liabilities; (iii) the United States, the State of Ohio, and the transferee have jointly moved to substitute the transferee as the defendant to this Consent Decree; and (iv) the Court has approved the substitution.

III. OBJECTIVES

5. It is the express purpose of the Parties in this Consent Decree for Ironton to take all measures, consistent with the objectives of the CWA, as enunciated at Section 101 of the CWA, 33 U.S.C. § 1251, and the objectives of Chapter 6111 of the Ohio Revised Code, necessary to achieve full compliance with the CWA, the regulations promulgated thereunder, the State of Ohio water pollution control laws, and Ironton's NPDES Permit. It is the goal of the Parties that the work implemented by Ironton under this Consent Decree result in the elimination of all Combined Sewer Overflows in Ironton's sewer system and obtain the complete separation of Ironton's combined sewer system so that all sewage and other wastewater is conveyed to Ironton's treatment plant. All plans, reports, construction, remedial maintenance, and other obligations in this Consent Decree or resulting from the activities required by this Consent Decree shall have the objective of causing Ironton to come into and remain in full compliance with the terms and conditions of Ironton's NPDES Permit, the Clean Water Act, Chapter 6111 of the Ohio Revised Code, and to meet the objectives of U.S. EPA's April 19, 1994 "Combined Sewer Overflow (CSO) Policy," as these terms are defined in Paragraph 6 of this Consent Decree.

IV. DEFINITIONS

6. Unless otherwise defined herein, terms used in this Decree shall have the meaning given to those terms in the CWA, 33 U.S.C. § 1251 et seq., the regulations promulgated thereunder at 40 C.F.R. Part 122, Chapter 6111 of the Ohio Revised Code, the regulations promulgated under that Chapter, and in Ironton's NPDES Permit and any successor permits. The following definitions shall apply to the terms used in the Consent Decree:

- a. "Building/Private Property Backup" shall mean a wastewater release or backup into a building or private property that is caused by blockages, flow conditions, or other malfunctions of the Collection System. A wastewater backup or release that is caused by blockages, flow conditions, or other malfunctions of a Private Lateral is not a Building/Private Property Backup.
- b. "Clean Water Act" or "CWA" shall mean the Federal Water Pollution Prevention And Control Act found at 33 U.S.C. § 1251 et seq., and the regulations promulgated thereunder.
- c. "Collection System" shall mean the municipal wastewater collection and transmission system owned or operated by Ironton including all pipes, interceptors, force mains, gravity sewer lines, lift stations, pumping stations, manholes and appurtenances thereto designed to collect and convey municipal sewage (domestic, commercial, and industrial) to Ironton's WWTP or to a Combined Sewer Overflow Outfall. "Collection System" includes both the "Combined Sewer System" and the "Sanitary Sewer System."
- d. "Combined Sewer Overflow Policy" or "CSO Policy" shall mean the policy issued by U.S. EPA regarding combined sewer overflows, entitled "Combined Sewer Overflow (CSO) Policy," 59 Fed.Reg. 18,688 (April 19, 1994).
- e. "Combined Sewer System" shall mean the portion of Ironton's Collection System designed to convey municipal sewage (domestic, commercial and industrial wastewaters) and stormwater to the WWTP or to a Combined Sewer Overflow ("CSO") Outfall.
- f. "Consent Decree" or "Decree" shall mean this Decree, all Appendices hereto, and all plans, schedules, reports, memoranda, or other submittals approved by U.S. EPA pursuant to the requirements of this Decree or any Appendix hereto. In the event of any conflict between the Decree and any Appendix, this Decree shall control.
- g. "Combined Sewer Overflow" or "CSO" shall mean any discharge from Ironton's Combined Sewer System at a CSO Outfall designated in the permit including Outfalls 004, 007, 008, 009, 010, 011, 017, or 018 as more particularly described in its NPDES Permit.
- h. "CSO Outfall" shall mean an outfall in the Combined Sewer System from which CSOs are discharged. Ironton's CSO Outfalls are identified as "overflows" in Ironton's NPDES Permit and are labeled as follows:

- i. Nash and 1st Street CSO (Outfall 004);
 - ii. Hecla Street CSO (Outfall 007);
 - iii. Etna Street CSO (Outfall 008);
 - iv. Walnut Street CSO (Outfall 009);
 - v. Mastin and 5 ½ Alley CSO (Outfall 010);
 - vi. North Fifth Street CSO (Outfall 011);
 - vii. Mill Street South of 4th Street CSO (Outfall 017); and
 - viii. Orchard Street CSO (Outfall 018).
-
- i. “Date of Lodging” shall mean the date that this Consent Decree is lodged with the Clerk of the Court for the United States District Court for the Southern District of Ohio.
 - j. “Date of Entry” shall mean the date that this Consent Decree is entered by the Clerk of the Court for the United States District Court for the Southern District of Ohio after being signed by a federal district judge.
 - k. “Day” shall mean a calendar day unless expressly stated to be a working day. When the day a report or other deliverable is due under this Consent Decree falls on a Saturday, Sunday, federal holiday, or legal holiday for Ironton, Ironton shall have until the next calendar day that is not one of the aforementioned days for submission of such report or other deliverable.
 - l. “Dry Weather Overflow” or “DWO” shall mean a discharge that occurs at a permitted CSO Outfall when Ironton’s Collection System is not receiving precipitation-related inflow or infiltration.
 - m. “Ironton” shall mean the defendant City of Ironton, Ohio.
 - n. “Industrial User” shall mean a discharger of pollutants to Ironton’s Collection System from a non-domestic source (as regulated by Section 307(b), (c), and (d) of the CWA).
 - o. “Infiltration” shall mean water entering the Collection System and service connections from the ground through means that include, but are not

limited to, defective pipes and sewer walls, pipe and sewer joints, connections, and manhole walls.

- p. "Inflow" shall mean water introduced into the Collection System, including service connections, from sources including, but not limited to, roof leaders, cellars, basement sump pumps, area drains in yards and driveways, foundation drains, cooling water discharges, drains from springs and other wet areas, cracked or broken manhole covers, cross connections from separate storm sewers, catch basins, storm water, surface run-off, street wash waters, and drainage.
- q. "Long Term Control Plan" or "LTCP" shall mean the sewer separation plan that Ironton develops pursuant to Part I.C.A. of its NPDES Permit and Section V of this Consent Decree.
- r. "MGD" or "mgd" shall mean million gallons per day.
- s. "Nine Minimum Controls" or "NMCs" shall mean those controls identified in Section II.B. of U.S. EPA's April 19, 1994, Combined Sewer Overflow (CSO) Control Policy.
- t. "NPDES Permit" shall mean Ohio EPA Permit No. OPD00007*JD issued to Ironton by Ohio EPA, effective August 1, 2007, and Ohio EPA Permit No. OPD00007*HD issued to Ironton of Ironton by Ohio EPA, effective on July 1, 2002, including those modifications effective June 1, 2004; the NPDES Permits and modifications to it are attached hereto as Appendix A, Appendix B, and Appendix C, respectively.
- u. "Ohio EPA" shall mean the Ohio Environmental Protection Agency and any successor departments or agencies of the State of Ohio.
- v. "Paragraph" shall mean a provision of this Consent Decree identified by an Arabic number.
- w. "Parties" shall mean the United States, the State of Ohio, and the City of Ironton.
- x. "Plaintiffs" shall mean the United States and the State of Ohio.
- y. "Private Lateral" shall mean that portion of the Collection System not owned by Ironton and used to convey wastewater from a building(s) to a portion of the Collection System owned by Ironton.

- z. “Prohibited Bypass” shall mean a bypass as defined by 40 C.F.R. § 122.41(m)(4).
- aa. “Sanitary Sewer System” shall mean the separate portion of the Collection System Sewer designed to convey municipal sewage (domestic, commercial, and industrial wastewater) to the WWTP.
- bb. “Sanitary Sewer Overflow” or “SSO” shall mean an overflow, spill, diversion, or release of wastewater from or caused by the separate portions of Ironton’s Collection System. This term shall include: (i) discharges to waters of the State or United States from the Ironton’s Collection System and (ii) any release of wastewater from Ironton’s Collection System to public or private property that does not reach waters of the United States or the State of Ohio, including Building/Private Property Backups.
- cc. “Section” shall mean a portion of this Consent Decree identified by an uppercase Roman number.
- dd. “Semi-annual Progress Report” shall mean the reports due on a semi-annual basis under Section VII of this Consent Decree.
- ee. “Sensitive Areas” shall mean those areas designated by the NPDES authority in coordination with state and federal agencies, as appropriate, Outstanding National Resource Waters, National Marine Sanctuaries, waters with threatened or endangered species and their habitat, waters with primary contact recreation, public drinking water intakes or their designated protection areas, and shellfish beds, as set forth in Section II.C.3. of the CSO Policy.
- ff. “Six-month Period” shall mean a six-month period ending on June 30 or December 31.
- gg. “Unpermitted Discharge” shall mean any discharge from the combined portions of Ironton’s Collection System at other than a CSO Outfall designated in the permit including Outfalls 004, 007, 008, 009, 010, 011, 017, or 018 as more particularly described in its NPDES Permit.
- hh. “U.S. EPA” shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.
- ii. “Waste Water Treatment Plant” or “WWTP” shall mean the waste water treatment plant owned and operated by Ironton of Ironton and located at 810 North Fourth Street, Ironton, Ohio, Lawrence County.

V. PERMANENT INJUNCTION AND COMPLIANCE MEASURES

A. PERMANENT INJUNCTION

7. Ironton shall achieve and maintain full compliance with the terms and conditions of its NPDES Permit and the provisions of the Act, 33 U.S.C. § 1281 et seq., and Ohio Revised Code Chapter 6111, and the rules promulgated thereunder and with the compliance program and the schedules set forth below.

B. NINE MINIMUM CONTROLS

8. As of the date of lodging of this Decree, Ironton has implemented the Nine Minimum Controls as described in the report entitled “City of Ironton, Ohio Combined Sewer Overflow Long Term Control Plan: Nine Minimum Controls, April 2007,” and set forth in Section II.B. of the CSO Policy, which include the following:

- a. Proper operation and regular maintenance programs for sewer systems and CSOs;
- b. Maximum use of collection system for storage;
- c. Review and modification of pretreatment requirement to assure CSO impacts are minimized;
- d. Maximization of flow to the POTW for treatment;
- e. Prohibition of CSOs during dry weather;
- f. Control of solid and floatable materials in CSOs;
- g. Pollution prevention;
- h. Public notification to ensure that the public receives adequate notification of CSO occurrences and SCO impacts;
- i. Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

The “City of Ironton, Ohio Combined Sewer Overflow Long Term Control Plan: Nine Minimum Controls, April 2007” is hereby incorporated by reference as an enforceable provision of this Decree.

C. LONG-TERM CONTROL PLAN - COMBINED SEWERS SEPARATION

9. Ironton shall undertake CSO controls in the form of complete separation of its Combined Sewer System. Ironton shall effect the complete separation of its Combined Sewer System in five phases as more fully set forth in Appendix D. All five phases of the sewer separation project shall be completed by December 31, 2026 or 18 years following the Date of Entry of this Consent Decree, whichever is later.

D. ELIMINATION/REDUCTION OF INFLOW AND INFILTRATION

10. Sixty (60) days after the lodging of this Consent Decree, Ironton will submit to EPA for approval a plan for an ongoing program to identify and eliminate sources of Inflow and Infiltration into the Sanitary Sewer System with the goal of eliminating excessive Inflow and Infiltration in accordance with 40 C.F.R. § 35.2005(b)(16). Ironton’s plan must evaluate the following measures in the development of this program: identification and elimination of roof leaders and downspout connections leading to the Sanitary Sewer System; redirection of area and foundation drains and basement sump pumps; and elimination of unauthorized and/or illegal cross connections. Following EPA approval of the plan, Ironton shall implement the plan in accordance with its provisions. Commencing with the first Semi-annual Progress Report date following the Date of Entry, but no sooner than six months following the Date of Entry, Ironton will describe the steps it has taken and will take in compliance with the provisions of this Paragraph.

E. INVESTIGATION OF CAUSES OF NON-COMPLIANCE

11. Beginning sixty (60) days from the Date of Entry, Ironton shall provide to U.S. EPA and Ohio EPA a report on its procedures for investigating Dry Weather Overflows (“DWOs”).

12. All DWOs from CSO outfalls are prohibited. Ironton must report all DWOs to Ohio EPA by telephone at (800) 282-9378 within twenty-four (24) hours of when it becomes aware of the DWO.

13. Should Ironton detect a DWO, Ironton shall begin corrective action immediately. Ironton shall inspect the DWO each subsequent day until the overflow has been eliminated. Ironton must submit to U.S. EPA and Ohio EPA a written report within five days of becoming aware of the DWO. The written report must include the following information:

- a. Date and time that Ironton became aware of the DWO;
- b. Estimated date and time when the DWO began and stopped;
- c. CSO Outfall from which DWO originated;
- d. Estimated volume of DWO;
- e. Cause or suspected cause of the DWO;
- f. Response measures taken to eliminate the DWO;
- g. Response measures taken to eliminate future DWOs;
- h. Measures to be taken to prevent recurrence of the DWO and a schedule for the implementation of such measures.

14. Ironton shall summarize all such DWOs in the Semi-Annual Progress Report required under Section VII of this Consent Decree. Nothing in this Section shall eliminate or minimize any additional notification or reporting required by the NPDES Permit.

15. Ironton will provide to U.S. EPA copies of all written notifications and reports that Ironton is required to submit to Ohio EPA under Part III.12 of its NPDES Permit.

16. Immediately upon the Date of Lodging of this Consent Decree, Ironton will comply with all final effluent limits set forth in its NPDES Permit.

VI. REVIEW AND APPROVAL OF SUBMITTALS

17. Ironton shall provide Ohio EPA with a copy of each plan, report, schedule, or other document submitted by Ironton for U.S. EPA approval. For each plan report, schedule or other document submitted by Ironton for U.S. EPA approval, U.S. EPA, after providing Ohio EPA with reasonable opportunity for consultation, may (a) approve the submittal, in whole or in part; (b) disapprove the submittal, in whole or in part; (c) approve the submittal upon specified conditions, directing Ironton to modify its submission; or (d) any combination of the above. U.S. EPA shall use its best efforts to respond to the documents submitted by the City as expeditiously as possible. If U.S. EPA approves the submittal, U.S. EPA shall notify Ironton in writing. If the submittal is disapproved in whole or in part, or approved with conditions, U.S. EPA shall describe the deficiencies or conditions in writing so that Ironton can make the required modifications and Ironton shall provide U.S. EPA and Ohio EPA with a modified submittal in accordance with U.S. EPA's directives. Ironton may request a meeting with U.S. EPA to discuss the deficiencies, but no such request or meeting shall extend any deadlines set forth in this Section.

18. Within sixty (60) days following receipt of any notice from U.S. EPA disapproving a submittal or directing modification of a submittal pursuant to the preceding paragraph (or within such longer time set forth in the notice or agreed to by the parties), Ironton

shall submit a modified submittal to U.S. EPA for approval, subject only to Ironton's right to invoke the dispute resolution procedures set forth in Section XX. The modified submittal shall correct any deficiencies identified by U.S. EPA, and conform with any directions set forth in the notice provided pursuant to the preceding paragraph. If Ironton fails to submit a modified document to U.S. EPA within the 60-day period, U.S. EPA retains the right to modify or develop any disapproved or conditionally approved portion of the submittal. Ironton shall implement any such plan, report, schedule or other submittal as modified or developed by U.S. EPA, subject only to Ironton's right to invoke the dispute resolution procedures set forth in Section XX.

19. In the event that a resubmitted plan, report, schedule or other document or portion thereof is disapproved in whole or in part or approved with conditions by U.S. EPA, U.S. EPA shall provide Ironton with a written notice describing remaining deficiencies or conditions for approval. U.S. EPA may require Ironton to correct the deficiencies or satisfy the conditions for approval of the submittal within a specified time frame, or U.S. EPA may modify or develop any disapproved or conditionally approved portion of the submittal. Ironton may request a meeting with U.S. EPA to discuss the deficiencies, but no such request or meeting shall extend any deadlines set forth in this Section. Following receipt of a notice requiring Ironton to correct deficiencies or satisfy conditions for approval, Ironton shall submit a modified document in accordance with U.S. EPA's directions, subject only to Ironton's right to invoke the dispute resolution procedures set forth in Section XX.

20. Notwithstanding the receipt of a notice of disapproval pursuant to paragraph 17, 18 or 19, above, Ironton shall proceed, if directed by U.S. EPA, to take any action required by any non-deficient portion of Ironton's submission, if such action can be undertaken independent

of the deficient portion of Ironton's submission. Implementation of any non-deficient portion of a submission shall not relieve Ironton of any liability for stipulated penalties under Section X.

21. All plans and studies submitted pursuant to this Consent Decree shall be incorporated herein as part of this Consent Decree upon submission and approval by U.S. EPA.

22. Ironton shall undertake the plans and studies submitted pursuant to this Consent Decree in good faith with the intent of effectively evaluating the matters addressed by the plan or study.

23. Ironton's City Council will take all lawful and appropriate actions to facilitate the implementation of this Consent Decree, including prompt review and approval of any bids, contracts, or other documents, and, if applicable, prompt review and approval of any schedule of work necessary to maintain compliance with this Consent Decree.

VII. REPORTING

A. REPORTS

24. On a semi-annual basis on January 31 and July 31, for each Six-month Period commencing with the first full six-month period after Entry of this Consent Decree and continuing until termination, Ironton will submit to U.S. EPA and Ohio EPA a progress report ("Semi-annual Progress Report") regarding the implementation of the requirements of this Decree in the previous Six-month Period. The Semi-Annual Progress Report will include at a minimum:

- a. A statement setting forth the deadlines and other terms that Ironton is required by this Consent Decree to meet since the date of the last Semi-annual Progress Report, whether and to what extent Ironton has met these requirements, and the reasons for any noncompliance;

- b. A general description of the work completed within the Six-month Period, and a projection of work to be performed pursuant to this Consent Decree during the next or succeeding Six-month Period. Notification to U.S. EPA and Ohio EPA of any anticipated delay shall not, by itself, excuse the delay;
- c. A summary of all contacts with U.S. EPA and Ohio EPA during the reporting period, including but not limited to the date deliverables under this Decree were sent to U.S. EPA and Ohio EPA;
- d. A statement of any exceedances of NPDES Permit limitations; and,
- e. A summary of all CSOs, SSOs and other unpermitted discharges occurring within the Six-month Period including the actual or estimated frequency, duration, and volume of each CSO, SSO, and other unpermitted discharges.

25. Ironton will retain all data, documents, plans, records, and reports that relate to matters performed by Ironton pursuant to this Decree for the term of this Decree. This Paragraph does not limit or affect any duty of obligation of Ironton to maintain records or information required by its NPDES Permit.

B. CERTIFICATION AND ADMISSIBILITY

26. Any report or plan relating to monitoring data or any representation made by Ironton as to its compliance with this Decree that Ironton is required by this Consent Decree to submit, including reports, plans or other submissions that Ironton is also required to submit by its NPDES Permit, shall be signed by an official or authorized agent of Ironton and shall include the following certification:

I certify under penalty of law that the document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

27. Ironton shall not object to the admissibility into evidence of any report, plan, or other submission prepared in accordance with Paragraph 26, or the information contained in said reports, in any proceeding to enforce this Consent Decree.

VIII. FUNDING

28. Compliance with the terms of this Consent Decree by Ironton is not conditioned on the receipt of federal or state grant or loan funds or upon Ironton's financial capabilities. In addition, Ironton's failure to comply is not excused by the lack of federal or state grant or loan funds, or by the processing of any applications for the same, or by Ironton's financial capabilities.

IX. CIVIL PENALTY

29. Ironton shall pay a civil penalty of \$49,000 to the United States within 30 days following entry of this Consent Decree. Payment to the United States shall be made via FedWire Electronic Funds Transfer ("EFT") to the U.S. Department of Justice in accordance with written instructions to be provided to Defendant, following lodging of the Consent Decree, by the Financial Litigation Unit of the U.S. Attorney's Office for the Southern District of Ohio, 303 Marconi Boulevard - Suite 200, Columbus, OH 43215, (614) 469.5715. At the time of payment, Defendant shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for the civil penalty owed pursuant to the Consent Decree in United States v. City of Ironton, and shall reference the civil action number and DOJ case number 90-5-1-1-08729, to the United States in accordance with

Section XVII of this Decree, Notices and Submissions, by email to

acctsreceivable.CINWD@epa.gov; and by mail to:

EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, Ohio 45268

30. No later than thirty (30) Days following entry of this Decree, Ironton shall pay a civil penalty in the amount of \$49,000 to the State of Ohio. Payment will be made by cashier's check or certified funds, payable to "Treasurer, State of Ohio," and will be sent to:

Martha Sexton, Paralegal
Attorney General's Office
Environmental Enforcement Section
30 East Broad St., 25th Floor
Columbus, OH 43215-3400

31. Payment may also be made by electronic funds transfer to the designated accounts pursuant to instructions sent by the State of Ohio upon request by Ironton. A copy of the check and transmittal letter or other evidence of payment will also be sent to the Ohio Attorney General's Office and Ohio EPA, as provided in Section XVII, Notices and Submissions.

32. Ironton will pay interest on any unpaid balance of the civil penalty owed to the United States, which will begin to accrue at the end of the 30-day period described above, at the rate established by the Department of the Treasury under 31 U.S.C. § 3717. Ironton will pay interest on any unpaid balance of the civil penalty owed to the State of Ohio, which will begin to accrue at the end of the 30-day period described above, at the rate of interest provided for pursuant to Ohio Revised Code § 1343.03.

33. Upon entry of this Decree, this Decree will constitute an enforceable judgment for purposes of post-judgment collection in accordance with Rule 69 of the Federal Rules of Civil

Procedure, the Federal Debt Collection Procedure Act, 28 U.S.C. § 3001-3308, and other applicable federal authority. The United States and the State of Ohio will be deemed judgment creditors for purposes of collection of any unpaid amounts of the civil and stipulated penalties and interest.

X. STIPULATED PENALTIES

34. Ironton will pay to the United States and the State of Ohio stipulated penalties in the amounts set forth in this Section for failure to comply with the requirements of this Consent Decree specified below unless excused by a Force Majeure event as established in Section XVIII and XIX. "Compliance" by Ironton with any specified requirement of this Consent Decree shall include satisfactory completion of all activities, and satisfaction of any conditions, necessary to fully implement the specified requirement, within any time schedules and deadlines established by and approved by U.S. EPA under this Consent Decree with respect to such requirement.

35. For each failure to comply with any deadline for completion of construction or for achievement of full operation set forth in the implementation schedule developed and approved pursuant to paragraph 9 of Section V, and attached hereto in Appendix D, Ironton shall pay the following stipulated penalties to the Plaintiffs per violation per day:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
Days 1-30	\$ 200
Days 31-60	\$ 300
Days 61-90	\$ 400
Days 91 and over	\$ 600

36. For each failure to implement the Nine Minimum Controls pursuant to paragraph 8 of Section V, Ironton shall pay the following stipulated penalties to the Plaintiffs per violation per day:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
Days 1-30	\$ 200
Days 31-60	\$ 300
Days 61-90	\$ 400
Days 91 and over	\$ 600

37. For each failure to submit a timely and adequate plan, report, schedule or other submission identified in Section V, Section VII and/or Appendix D, Ironton shall pay the following stipulated penalties to the Plaintiffs per violation per day:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
Days 1-30	\$ 200
Days 31-60	\$ 400
Days 61 and over	\$ 600

38. For each failure to allow access to the Ironton WWTP in accordance with Section XV, below, Ironton shall pay the following stipulated penalties to the Plaintiffs per day:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
Days 1-30	\$ 400
Days 31-60	\$ 600
Days 61 and over	\$ 900

39. Multiple penalties may accrue on any one day for different violations of different requirements of this Consent Decree even if such violations are caused by the same set of circumstances.

40. Payment of stipulated penalties as set forth above will be in addition to any other rights or remedies which may be available to the United States or its agencies or to the State of Ohio or its agencies by reason of Ironton's failure to comply with the requirements of this Consent Decree and all applicable federal, state or local laws, regulations, waste water discharge permit(s) and all other applicable permits. However, in the event that the United States and/or

the State of Ohio seek statutory penalties for a violation of any requirement of this Decree for which Ironton previously has paid a stipulated penalty, the amount of the statutory penalty will be reduced by the amount of the stipulated penalty previously paid.

41. The payment of stipulated penalties will not be construed so as to relieve Ironton from specific compliance with this Decree or federal or state law, or limit the authority of U.S. EPA or Ohio EPA to require compliance with such laws. The United States and State of Ohio are specifically authorized to seek injunctive relief in this civil action to address any violation of this Consent Decree.

42. Stipulated penalties will accrue from the first day of noncompliance with any applicable provision of this Consent Decree, but will not be payable until demand. Payment of stipulated penalties will be made within thirty (30) days of the date of a written demand for payment. Written demand by either U.S. EPA or Ohio EPA will constitute written demand from both agencies. Fifty (50) percent of the stipulated penalty will be paid to the United States and fifty (50) percent of the stipulated penalty will be paid to the State of Ohio.

43. If any stipulated penalties payable under this Decree to the United States are not paid when due, interest will accrue on any amounts overdue to the United States from the first day after the civil or stipulated penalties are due through the date of payment at the rate of interest established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. If any stipulated penalties payable under this Decree to the State of Ohio are not paid when due, interest will accrue on any amounts overdue to the State of Ohio from the first day after the stipulated penalties are due through the date of payment at the rate of interest provided for by Ohio Revised Code § 1343.03.

44. Any interest owed or stipulated penalties incurred by Ironton to the United States will be paid by certified or cashiers check payable to "Treasurer, United States of America," and will reference USAO File Number 2005VO02248, DOJ Case Number 90-5-1-1-08729, and the civil action case number and case name of this action assigned to this matter by the United States District Court for the Southern District of Ohio. Checks will be tendered to the United States Attorney's Office, Financial Litigation Unit, Four Seagate, Third Floor, Toledo, Ohio 43604, and will be accompanied by a letter specifying the specific stipulated penalty provision involved, and a description of the violation(s) of this Decree for which the stipulated penalties are being tendered. Simultaneously, a copy of the check and letter will be sent to the Water Division, the Office of Regional Counsel of U.S. EPA Region 5, and U.S. DOJ, as provided in Section XVII, Notices and Submissions.

45. Any interest owed or stipulated penalties incurred by Ironton to the State of Ohio will be paid by certified or cashiers check payable to "Treasurer, State of Ohio," accompanied by a copy of the same letter submitted to the United States in the immediately preceding paragraph, and will be sent to:

Martha Sexton, Paralegal
Attorney General's Office
Environmental Enforcement Section
30 East Broad St., 25th Floor
Columbus, OH 43215-3400

46. The existence of a dispute will not excuse, toll or suspend any obligation or deadline established by this Consent Decree or any stipulated penalties which accrue as a result of a failure to meet any requirement of this Consent Decree. Stipulated penalties with respect to

the disputed matter will continue to accrue but payment will be stayed pending resolution of the dispute as follows:

- a. If the dispute is resolved by agreement or by a decision of U.S. EPA that is not appealed to this Court, accrued penalties determined to be owing will be paid to U.S. EPA within 15 days of the agreement or the receipt of U.S. EPA's decision or order;
- b. If the dispute is appealed to this Court and the United States prevails in whole or in part, Ironton will pay all accrued penalties determined by the Court to be owed to U.S. EPA within 60 days of receipt of the Court's decision or order, except as provided in subparagraph c below;
- c. If the District Court's decision is appealed by any Party, Ironton will pay all accrued penalties determined by the District Court to be owing to the United States into an interest-bearing escrow account within 60 days of receipt of the Court's decision or order. Penalties will be paid into this account as they continue to accrue, at least every 60 days. Within 15 days of receipt of the final appellate court decision, the escrow agent will pay the balance of the account to U.S. EPA or to Ironton to the extent that it prevails.

47. In any dispute over the applicability of stipulated penalties, Ironton shall bear the burden of proving that it is not subject to stipulated penalties, in accordance with Section XX Dispute Resolution.

XI. EFFECT OF SETTLEMENT

48. This Consent Decree resolves the civil claims of the United States for the violations alleged in the United States' Complaint through the Date of Lodging of this Decree and the civil claims of the State of Ohio for the violations alleged in Ohio's Complaint through the Date of Lodging of this Decree. Nothing in this Consent Decree is intended to nor shall be construed to operate in any way to resolve any criminal liability of Ironton.

49. This Consent Decree in no way affects or relieves Ironton of its responsibility to comply with any federal, state, or local law, regulation, or permit, or to obtain any applicable federal or state permits or approvals. This Consent Decree in no way affects or relieves Ironton of its responsibility to comply with any federal, state, or local law, regulation, or permit.

50. The Parties agree that Ironton is responsible for achieving and maintaining complete compliance with all applicable federal and state laws, regulations, and permits, and that compliance with this Consent Decree will be no defense to any actions commenced pursuant to said laws, regulations, or permits.

51. The United States and the State of Ohio expressly reserve all remedies available to them for all violations of the CWA not specifically addressed by Paragraph 48 of this Consent Decree.

52. Nothing herein will be construed to limit the authority of the United States or the State of Ohio to undertake any action against any person, including Ironton, in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

53. Nothing herein will be construed to limit the authority of the United States to act under Section 308 of the CWA, 33 U.S.C. § 1318.

54. The United States and the State of Ohio reserve any and all legal and equitable remedies available to enforce the provisions of this Decree.

55. This Consent Decree does not limit or affect the rights of Ironton, the State of Ohio, or the United States as against any third parties.

56. The Consent Decree will not limit any authority of U.S. EPA or Ohio EPA under any applicable statute, including the authority to seek information from Ironton or to seek access to the property of Ironton.

XII. NOT A PERMIT

57. This Consent Decree is not and will not be construed as a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, or Section 6111.03 O.R.C., nor as a modification of any existing permit so issued, nor will it in any way relieve Ironton of its obligations to obtain a permit for its WWTP, its Sewer System or any other part of its waste water treatment and Sewer System or facilities and to comply with the requirements of any NPDES Permit or with any other applicable federal or state law or regulation. Any new permit, or modification of existing permits, must be complied with in accordance with applicable federal and state laws and regulations.

58. Nothing herein will be construed as relieving Ironton of the duty to comply with the CWA, the regulations promulgated under the CWA, and all applicable permits issued under the CWA and its regulations.

59. This Consent Decree does not authorize or approve the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system.

60. This Consent Decree is not and shall not be interpreted to be a permit or modification of any existing permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. Notwithstanding any U.S. EPA review that may occur, Ironton shall remain solely responsible for its compliance with the terms of the Consent Decree and all applicable laws,

regulations and permits. This Consent Decree does not relieve Ironton of any obligation to apply for, obtain, and comply with the requirements of any new or existing NPDES Permit or to comply with any federal, state or local laws or regulations, including Permits to Install and/or plan approvals from Ohio EPA.

XIII. FAILURE OF COMPLIANCE

61. The United States and the State of Ohio do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that Ironton's complete compliance with this Consent Decree will result in compliance with the provisions of the CWA, 33 U.S.C. §§ 1251 et seq., or with Ironton's NPDES Permit or any future modifications or renewals thereof.

Notwithstanding U.S. EPA's and Ohio EPA's review or approval of any plans, reports, policies, or procedures formulated pursuant to this Consent Decree, Ironton will remain solely responsible for any non-compliance with the terms of this Consent Decree, all applicable permits, the CWA, and regulations promulgated under the CWA. The pendency or outcome of any proceeding concerning issuance, reissuance, or modification of any NPDES Permit will neither affect nor postpone Ironton's duties and obligations as set forth in this Consent Decree.

62. The United States and the State of Ohio reserve any and all legal and equitable remedies available to enforce the provisions of this Consent Decree.

XIV. CONTINGENT LIABILITY OF THE STATE OF OHIO

63. The State of Ohio is a party plaintiff hereto pursuant to Section 309(e) of the CWA, 33 U.S.C. § 1319(e). The State of Ohio will have no liability under this Consent Decree, except as required by Section 309(e) of the CWA in the event that the laws of the State of Ohio prevent Ironton from raising revenues needed to comply with this Consent Decree. The Attorney General of the State of Ohio hereby certifies that the present laws of the State of Ohio do not prevent Ironton from raising revenues needed to comply with this Consent Decree.

XV. RIGHT OF ENTRY

64. U.S. EPA and Ohio EPA, and their representatives, contractors, consultants, and attorneys will have the right of entry into and upon Ironton's WWTP and Sewer System, at all reasonable times, upon proper presentation of credentials, for the purposes of:

- a. Monitoring the progress of activities required by this Consent Decree;
- b. Verifying any data or information required to be submitted pursuant to this Consent Decree;
- c. Obtaining samples and, upon request, splits of any samples taken by Ironton or its consultants;
- d. Inspecting and evaluating any portions of Ironton's WWTP and Sewer System;
- e. Inspecting and reviewing any records required to be kept under the terms and conditions of the Consent Decree, Ironton's NPDES Permit, any future modifications or renewals thereof, and the CWA;
- f. Otherwise assessing Ironton's compliance with this Consent Decree.

65. This Section in no way limits or affects any right of entry and inspection held by the United States, U.S. EPA, the State of Ohio, and Ohio EPA pursuant to applicable federal or state laws, regulations, or permits.

XVI. RECORD RETENTION

66. Ironton will maintain copies of any underlying research and data in its possession, custody or control for any and all documents, reports, plans, or studies submitted to U.S. EPA or Ohio EPA pursuant to this Consent Decree or pursuant to Ironton's NPDES Permit for a period of one (1) year from date of termination of this Consent Decree, unless a longer period is required by Ironton's NPDES Permit. Ironton will require any independent contractor implementing any portion of this Consent Decree to also retain such materials for a period of one (1) year from date of termination of this Consent Decree, unless a longer period is required by Ironton's NPDES Permit. Ironton will submit such supporting documents to U.S. EPA and/or Ohio EPA upon request. Following the retention periods described above, Ironton will provide U.S. EPA and Ohio EPA with written notification 15 business days prior to the destruction of any documents required to be retained under this Decree.

XVII. NOTICES AND SUBMISSIONS

67. Except as specified otherwise, when written notification (including all reports) or communication with the United States, U.S. EPA, the United States Department of Justice, the United States' Attorney for the Southern District of Ohio, the State of Ohio, Ohio EPA, and Ironton is required by the terms of this Consent Decree, it will be addressed as follows:

As to the United States Department of Justice:

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611
Reference Case No. 90-5-1-1-08729

As to Region 5 of U.S. EPA:

Sally K. Swanson, Chief
Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd
Chicago, Illinois, 60604

Steven P. Kaiser
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson, Blvd.
Chicago, Illinois 60604

As to the State of Ohio:

Southeast District Office
Division of Surface Water
Attn: Enforcement Group Leader
Ohio Environmental Protection Agency
2195 Front Street
Logan, Ohio 45402-2911

Dale Vitale, Chief
Environmental Enforcement Section
State of Ohio Office of Attorney General
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400

As to Ironton

Mayor, City of Ironton
Ironton City Center
301 S. Third Street
P.O. Box 704
Ironton, OH 45638

David J. Schmitt
Cors & Bassett, LLC
537 East Pete Rose Way
Suite 400
Cincinnati, Ohio 45202
Attorney for the City of Ironton

68. Any party, upon written notification to the other parties, may change the addresses to which communications with that party shall be sent. All notifications or communications will be deemed submitted on the date they are postmarked and sent by first class mail, certified mail, or express mail.

XVIII. FORCE MAJEURE BETWEEN THE UNITED STATES AND IRONTON

69. "Force Majeure" for the purposes of this Consent Decree is defined as an event arising from causes beyond the control of Ironton or the control of any entity controlled by Ironton, including its agents, consultants and contractors, which delays or prevents the performance of any obligation under this Consent Decree. Unanticipated or increased costs or expenses associated with implementation of this Consent Decree and/or changed financial circumstances will not, in any event, be considered Force Majeure events. Failure to apply for a required permit or approval or to provide in a timely manner all information required to obtain a permit or approval that is necessary to meet the requirements of this Consent Decree, or failure of Ironton to approve contracts, will not, in any event, be considered Force Majeure events.

70. When Ironton knows, or should have known by the exercise of due diligence, of an event that might delay completion of any requirement of this Consent Decree, whether or not the event is a Force Majeure event, Ironton will notify U.S. EPA, in writing, within ten (10) days after Ironton first knew, or in the exercise of reasonable diligence under the circumstances, should have known of such event. The notice will indicate whether Ironton claims that the delay should be excused due to a Force Majeure event. The notice will describe in detail the basis for Ironton's contention that it experienced a Force Majeure delay, the anticipated length of the delay, the precise cause or causes of the delay, the measures taken or to be taken to prevent or

minimize the delay, and the timetable by which those measures will be implemented. Ironton will adopt all reasonable measures to avoid or minimize such delay. Failure to timely notify U.S. EPA may, at U.S. EPA's option, render this Section void and of no effect as to the event in question, and may be a waiver of Ironton's right to obtain an extension of time for its obligations based on such event. The notice shall describe in detail the bases for Ironton's contention that it experienced a Force Majeure event, the precise cause or causes of the event, and the timetable by which those measures will be implemented. Failure to so notify U.S. EPA shall constitute a waiver of any claim of Force Majeure as to the event in question.

71. If U.S. EPA finds that a delay in performance is, or was, caused by a Force Majeure event, it will extend the time for performance, in writing, for a period to compensate for the delay resulting from such event and stipulated penalties will not be due to the United States for such period. In proceedings on any dispute regarding a delay in performance, the dispute resolution provisions of Section XX, Dispute Resolution, will apply, and Ironton will have the burden of proving that the delay is, or was, caused by a Force Majeure event and that the amount of additional time requested is necessary to compensate for that event.

72. Compliance with a requirement of this Consent Decree shall not by itself constitute compliance with any other requirement. An extension of one compliance date based on a particular event will not extend any other compliance date. Ironton will make an individual showing of proof regarding the cause of each delayed incremental step or other requirement for which an extension is sought. Ironton may petition for the extension of more than one compliance date in a single request.

XIX. FORCE MAJEURE BETWEEN IRONTON AND THE STATE OF OHIO

73. If an event occurs which causes or may cause a delay in Ironton's compliance with any requirement of this Consent Decree, Ironton shall notify the Ohio EPA and the Ohio Attorney General's Office in writing within ten (10) days from when Ironton knew, or by the exercise of due diligence should have known, of the event. The notification to Ohio EPA and the Ohio Attorney General's Office shall describe in detail the anticipated length of the delay, the precise cause or causes of the delay, and the timetable by which those measures will be implemented. Ironton shall adopt all reasonable measures to avoid or minimize any such delay.

74. In any action by the State of Ohio to enforce any of the provisions of this Consent Decree, Ironton may raise that they are entitled to a defense that its conduct was caused by reasons entirely beyond its control such as, by way of example and not limitations, acts of God, strikes, acts of war or civil disturbances. While the State of Ohio does not agree that such defense exists, it is, however, hereby agreed upon by Ironton and State of Ohio that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time, if ever, that a court proceeding to enforce this Consent Decree is commenced by the State of Ohio. At that time, Ironton will bear the burden of proving that any delay was or will be caused by circumstances entirely beyond the control of Ironton. Unless associated with a Force Majeure event as established in Section XIX of this Consent Decree, unanticipated or increased costs associated with the implementation of any action required by this Consent Decree, or a change in Ironton's financial circumstances, shall not constitute circumstances entirely beyond the control of Ironton or serve as a basis for an extension of time under this Consent Decree. Failure by

Ironton to timely comply with the notice requirements of this Section shall render this Section null and void and of no force and effect as to the particular incident involved and shall constitute a waiver of Ironton's rights to request an extension of its obligations under this Consent Decree based on such incident. An extension of one date based on a particular incident does not mean that Ironton qualify for an extension of a subsequent date or dates. Ironton must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought. Acceptance of this Consent Decree without a Force Majeure Clause does not constitute a waiver by Ironton of any rights or defenses they may have under applicable law.

XX. DISPUTE RESOLUTION

75. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Consent Decree. However, the procedures set forth in this Section shall not apply to actions by the United States to enforce obligations of Ironton that have not been disputed in accordance with this Section.

76. Any dispute that arises between Ironton and Plaintiffs with respect to the meaning or application of any of the requirements of this Consent Decree will be, in the first instance, the subject of informal negotiations between Plaintiffs and Ironton in an attempt to resolve any such dispute. Such period of informal negotiations will not extend beyond forty-five (45) days of the date when a written notice of a dispute is given by one Party to the other, unless the Parties have agreed in writing to extend that period. After informal negotiations, if Ironton and Plaintiffs are unable to agree upon the meaning or application of the requirements of this Consent Decree, then Ironton will comply with the position taken by Plaintiffs, subject only to Ironton's right to

petition the Court as set forth in Paragraph 77, below. This dispute resolution process shall not apply to the issuance, renewal, modification, denial or revocation of a permit or plan approval and the issuance of orders or other actions of the Director of Environmental Protection (Ohio EPA).

77. Within forty-five (45) days of the end of the informal negotiations period for resolution of the dispute set forth in Paragraph 76 above, Ironton may petition the Court for relief. Such petition will set forth the nature of the dispute and a proposal for its resolution. Plaintiffs will have forty-five (45) days to respond to the petition and propose an alternate resolution. In any such dispute, Ironton shall have the burden of establishing that the position of the United States is arbitrary and capricious, or otherwise not in accordance with applicable law.

78. Except as provided in this Consent Decree, agreed to in writing by the parties, or ordered by the Court, the filing of a petition asking the Court to resolve a dispute will not in and of itself extend or postpone any obligation of Ironton under this Consent Decree, provided that payment of any stipulated penalties with respect to the disputed matter will be stayed pending resolution of the dispute. Notwithstanding the stay of payment, stipulated penalties will accrue from the first day of any failure or refusal to comply with any term or condition of this Consent Decree except as provided in Paragraph 46. In the event that Ironton does not prevail on the disputed issue, stipulated penalties, if applicable and demanded, will be assessed and paid as provided in Section X, Stipulated Penalties. For any dispute which may arise out of a disapproval in whole or in part or an approval with conditions by U.S. EPA of Ironton's Long Term Control Plan plans, reports, studies or other documents submitted in accordance with Section V, stipulated penalties shall not accrue during the period, if any, beginning on the 31st

day after the Court's receipt of the Plaintiffs' response, as set forth in Paragraph 77, above, regarding the dispute until the date that the Court issues a final decision regarding such dispute. The preceding sentence shall not apply if Ironton did not have a reasonable basis for the dispute or if the Petition was filed for the purpose of delay.

XXI. RETENTION OF JURISDICTION

79. This Court will retain jurisdiction of this matter for the purposes of construing, implementing, administering, and enforcing the terms and conditions of this Consent Decree and for the purpose of adjudicating all disputes among the parties that may arise under the provisions of this Consent Decree. The Court shall retain jurisdiction over this case until termination of this Consent Decree in order to enforce or modify the Consent Decree and to interpret the rights and obligations of the parties to this Consent Decree. During the pendency of this Consent Decree, any party may apply to the Court for any relief necessary to construe and effectuate this Consent Decree.

XXII. MODIFICATION

80. Except as specifically provided for herein, there shall be no modifications or amendments of this Consent Decree without written agreement of the Parties to this Consent Decree. Where the modification constitutes a material change to this Consent Decree, it shall be effective only upon approval by this Court. Changes to the interim deadlines initially set forth in the Appendix D hereto are considered non-material changes that may be made without approval by the Court, upon written agreement between the Parties.

81. Any disputes concerning modification of this Decree, shall be resolved pursuant to Section XX of this Decree, Dispute Resolution, provided, however, that, instead of the burden

of proof provided by Paragraph 77, the Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

XXIII. TERMINATION

82. Two years after the City of Ironton has completed all construction required by its approved Long Term Control Plan, Ironton may seek, in writing, approval from United States and the State of Ohio to terminate this Decree. In addition to certifying that all required construction is complete and that at least twelve months of post-construction monitoring shows the effectiveness of Ironton's fully-implemented Long Term Control Plan, Ironton also will certify that it is and has been in compliance with its NPDES Permit for at least twelve (12) months, that all civil penalties due and all stipulated penalties demanded under this Decree have been paid, and that Ironton has complied with all other requirements of this Decree. If either the United States or the State of Ohio objects to the certification by Ironton, the matter will be subject to Section XX, Dispute Resolution and, if judicial action is required, Section XXI, Retention of Jurisdiction, of this Consent Decree. In such case, Ironton will bear the burden of proving that this Consent Decree should be terminated.

XXIV. FINAL JUDGMENT

83. Entry of this Decree constitutes Final Judgment under Rule 54 of the Federal Rules of Civil Procedure.

XXV. LODGING AND OPPORTUNITY FOR PUBLIC COMMENT

84. This Consent Decree will be lodged with the Court for a period of not less than 30 days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States

reserves the right to withdraw or withhold its consent if the public comments regarding this Decree disclose facts or considerations which indicate that this Decree is inappropriate, improper, or inadequate. Ironton will not withdraw its consent to this Decree during the period of governmental and judicial review that occurs between lodging and entry of this Decree, and Ironton hereby consents to the entry of this Decree without further notice.

XXVI. SIGNATORIES

85. The undersigned representative of each of the Parties certifies that he or she is authorized to enter into the terms and conditions of this Consent Decree and to execute and bind legally the Parties to this document.

XXVII. EFFECTIVE DATE

86. The effective date of this Decree will be the date of entry by this Court.

XXVIII. COSTS OF SUIT


87. Each party shall bear its own costs and attorneys' fees in this action.

SO ORDERED THIS 17th DAY OF March, ~~2008~~ 2009

s/ Judge Michael R. Barrett


United States District Judge

FOR THE UNITED STATES OF AMERICA



RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044

DATE: 10/24/08



KRISTIN M. FURRIE
Enforcement Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044

DATE: 10/25/08

United States and The State of Ohio v. City of Ironton, Ohio

Gregory G. Lockhart by
GREGORY G. LOCKHART
United States Attorney
Southern District of Ohio
303 Marconi Boulevard - Suite 200
Columbus, Ohio 43215
(614) 469-5715

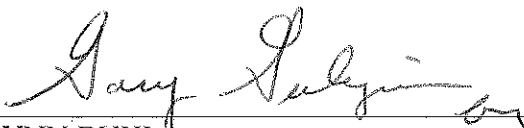
Donetta D. Wieth
AUSA

DATE: Jan 6, 2009

Donetta D. Wieth
DONETTA D. WIETHE
Assistant United States Attorney
Southern District of Ohio
221 East Forth Street - Suite 400
Cincinnati, Ohio 45202
(513) 684-3711


DATE: Jan. 6, 2009

United States and The State of Ohio v. City of Ironton, Ohio



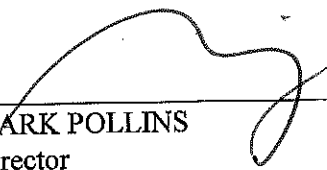
LYNN BUHL
Regional Administrator
United States Environmental Protection Agency
Region 5 (R-19J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

DATE: 12/23/08



STEVEN P. KAISER
Associate Regional Counsel
United States Environmental Protection Agency
Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 353-3804

DATE: 12/19/08

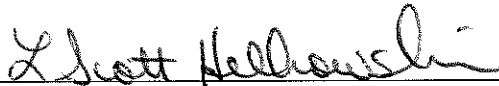


MARK POLLINS
Director
Water Enforcement Division
Office of Civil Enforcement
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

DATE: 8/15/08

FOR THE STATE OF OHIO

THE STATE OF OHIO
ex rel. NANCY ROGERS
Attorney General of the
State of Ohio

BY: 
L. Scott Helkowski (0068622)
Assistant Attorney General
Environmental Enforcement Section
State Office Tower
30 E. Broad Street - 25th Floor
Columbus, Ohio 43215-3428

DATE: 12/31/08

United States and The State of Ohio v. City of Ironton, Ohio

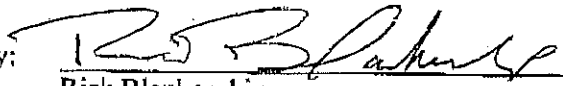
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Engineering Department

(740) 532-7556

p. 2

FOR THE CITY OF IRONTON, OHIO

By: 

DATE: 12/18/08

Rich Blankenship
Mayor
City of Ironton, Ohio
Ironton City Building
301 South 3rd Street
Ironton, Ohio 45638

United States and The State of Ohio v. City of Ironton, Ohio

Ironton
Law Co.
Permit

Application No. OH0025852

Issue Date: June 22, 2007

Effective Date: August 1, 2007

Expiration Date: July 31, 2011

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),

City of Ironton

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the wastewater treatment works located at 810 North Fourth Street, Ironton, Ohio, Lawrence County and authorized collection system combined sewer overflows all discharging to Storms Creek and the Ohio River 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.



Chris Korleski
Director

Total Pages: 40

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

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPD00007001 . See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Multiple Grab	All
00530 - Total Suspended Solids - mg/l	-	-	45	30	-	290	193	3/Week	24hr Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	3/Week	24hr Composite	All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Week	Grab	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
31616 - Fecal Coliform - #/100 ml	-	-	2000	1000	-	-	-	3/Week	Grab	Winter
31616 - Fecal Coliform - #/100 ml	-	-	400	200	-	-	-	3/Week	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	All

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>						<u>Monitoring Requirements</u>			
	Concentration Specified Units		Loading* kg/day				Measuring	Sampling	Monitoring	
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Type	Months
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Multiple Grab	All
61942 - pH, Minimum - S.U.	-	6.5	-	-	-	-	-	1/Day	Multiple Grab	All
70301 - Solids, Dissolved-Sum of - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	24hr Composite	All
80082 - CBOD 5 day - mg/l	-	-	40	25	-	257	161	3/Week	24hr Composite	All

Notes for station OPD00007001:

* Effluent loadings based on average design flow of 1.7 MGD.

Total residual chlorine - See Part II, Items L and O.

Mercury - See Part II, Item X.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007002 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 002 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007002:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

2. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007004 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 004 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007004:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007)flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

3. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007007 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 007 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly	
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007007:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

4. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007008 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 008 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007008:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007)flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

5. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007009 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 009 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007009:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007)flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

6. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007010 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 010 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007010:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007) flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

7. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007011 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 011 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007011:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007)flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

8. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007017 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 017 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007017:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007)flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

9. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007018 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 018 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months		
	Maximum	Minimum	Weekly	Monthly	Daily				Weekly	Monthly
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	24hr Total Estimate	All

NOTES for Station Number OPD00007018:

A Monthly Operating Report (Form 4500) for this station must be submitted every month.

Overflow Occurrence - If a discharge from this station occurs intermittently during a day, starting and stopping several times, report "1" for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence: Report "1" on the first day of the discharge.

Overflow Occurrence - The total number for the month shall be reported.

Flow and overflow duration can be calculated by using the Hecla Street CSO (OPD00007007)flow meter at the wastewater treatment plant.

If there are no discharges during the entire month:

- 1) Report "AL" in the first column of the first day of the month on the 4500 Form.
- 2) Sign the form.

The permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.

Part I, B. - SSO MONITORING EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

10. SSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Number OPD00007300 , and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch. Total	All

NOTES for Station Number OPD00007300:

- A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. These overflows shall be monitored when they discharge.
- For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number in the first column of the first day of the month on the 4500 form. If there are no overflows during the entire month, report "zero" (0).
- All sanitary sewer overflows are prohibited except under emergency conditions where the overflow occurs in full compliance with all of the provisions of 40 CFR 122.41(m) and Part III Item 11 of this NPDES permit.
- See Part II, Items G and H.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

11. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPD00007581, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 581 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00611 - Ammonia (NH3) In Sludge - mg/kg	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
00627 - Nitrogen Kjeldahl, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01003 - Arsenic, Total In Sludge - mg/kg	75	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01028 - Cadmium, Total In Sludge - mg/kg	85	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01043 - Copper, Total In Sludge - mg/kg	4300	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01052 - Lead, Total In Sludge - mg/kg	840	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01068 - Nickel, Total In Sludge - mg/kg	420	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01093 - Zinc, Total In Sludge - mg/kg	7500	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
01148 - Selenium, Total In Sludge - mg/kg	100	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Quarter	Total	Quarterly - Alt.
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	-	1/Quarter	Total	Quarterly - Alt.
71921 - Mercury, Total In Sludge - mg/kg	57	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.
78465 - Molybdenum In Sludge - mg/kg	75	-	-	-	-	-	-	1/Quarter	Composite	Quarterly - Alt.

NOTES for Station Number OPD00007581:

* Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of by land application. Monthly Operating Report (MOR) data shall be submitted in March, June, August and December. If no sludge is removed during the entire month

Operating Report (MOR) data shall be submitted in March, June, August and December. If no sludge is removed during the entire month, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

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

*** Sludge weight is a calculated total for the sampling period.

**** See Part II, Items R, S, T, U and V.

***** Dioxin monitoring required if disposed by land application - See Part II, Item W.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

12. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPD00007586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day					Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Year	Total	December

NOTES for Station Number OPD00007586:

* Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of by landfill. If no sludge is removed during the entire month, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

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

*** Sludge weight is a calculated total for the sampling period.

**** See Part II, Items R, S, T and W.

Part I, B. - INFLUENT MONITORING REQUIREMENTS

13. Influent Monitoring. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number OPD00007601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified		Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly				
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Day	24hr Total	All
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Day	Multiple Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	3/Week	24hr Composite	All
50047 - Flow, Peak Rate - MGD	-	-	-	-	-	-	-	1/Day	Maximum	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	3/Week	24hr Composite	All

NOTES for Station Number OPD00007601:

* pH - Report value closest to being outside the range of 6.5 S.U. to 9.0 S.U. or any value outside the range.

Part I, C - Schedule of Compliance

CSO Schedule

A. By December 1, 2006, the permittee shall develop and submit for approval to the Southeast District Office two copies of a Combined Sewer System Long-Term Control Plan. The goal of the plan is that discharges from combined sewer overflows shall not cause or significantly contribute to violations of water quality standards or impairment of designated uses. If the contents of the long-term control plan are subject to review under 3745-1-05 (antidegradation), the plan will be public noticed as required in Section C of 3745-1-05.

The plan shall address, as a minimum, the following:

1. The permittee shall characterize its collection system and overflows using the tools of monitoring and modeling. If previous characterization and modeling has been done, this shall be updated. A monitoring program shall be proposed that provides adequate data to characterize and model the collection system and overflows; supports development and implementation of the minimum control measures; supports development and implementation of a long-term control plan; and allows the effectiveness of control measures to be evaluated.
2. The permittee shall identify CSO discharges to State Resource Waters (OAC 3745-1-05), Bathing Waters [OAC 3745-1-07(B)(4)], and all surface waters within 500 yards of an existing public water supply intake and designate these discharges as the highest priority for elimination, relocation or treatment. Overflows to these waters shall be eliminated or relocated whenever physically and economically achievable, except when this would cause unacceptable water quality impacts elsewhere in the system. If elimination or relocation is not possible, then treatment must be provided that will result in attainment of water quality standards and designated uses.
3. The permittee shall identify CSO discharges to waters, including small, accessible urban streams, where there is a high probability for contact recreation, and develop controls to ensure that these waters attain the applicable water quality standards for bacteria. The potential for human health impacts, public input on the recreational value of the streams, and financial considerations should be used to prioritize controls for these streams.

The permittee shall develop and implement a significant notification program that informs the public of the possible health and environmental impacts associated with CSOs, and advises against contact recreation when elevated bacteria levels may endanger public health.

The permittee should contact Ohio EPA to discuss water quality standard revisions they believe would be appropriate based on community recreational use evaluations. The permittee shall also contact the Ohio EPA to discuss the possibility of a variance from water quality standards for bacteria during wet weather.

4. The permittee shall consider either the "presumption" or the "demonstration" approach included in U.S. EPA's National Combined Sewer Overflow Policy (April 19, 1994) with special consideration given to the presumptive approach which is the reduction of overflow events to less than six per year. Reduction of the number of untreated overflow events and reduction of both the frequency and duration of overflow events shall be evaluated as a control option and shall be implemented if it is cost effective, economically achievable, and does not cause new or significantly increased overflows elsewhere in the system. As part of CSO control, Ohio EPA expects communities to identify combined and separate sewer areas and to minimize the impact of existing and future separate sanitary flows on CSO discharges. Steps to consider include: using express sewers to route sanitary flows around combined sewer areas; reducing infiltration and inflow into the separate sewers. Communities also should consider ways to reduce storm water flow into combined sewers. Steps to consider include: diverting storm water away from the combined system (e.g, by constructing retention basins; removing inflow, such as roof drains); using catch basin flow restriction.

5. For the collection system the permittee shall consider improvements to control floatable solids; screening; primary treatment and disinfection of overflows. For the treatment plant, the permittee shall consider additions of primary treatment and disinfection capacity, a secondary treatment bypass, and other cost effective measures, such as retention basins, for the purpose of increasing the treatment of wet weather flows at the plant. Ohio EPA will evaluate these measures for approval during the Permit To Install process. Bypasses of secondary treatment must meet the requirements of 40 CFR 122.41(m) and with adequate documentation may be authorized in the NPDES permit.

6. The permittee shall conduct cost/performance analyses to determine where the increment of CSO abatement achieved diminishes compared to the increased costs.

7. The permittee shall evaluate compliance status with the nine minimum controls and propose improvements for continued implementation of the nine minimum controls. The permittee shall also propose revisions to the Combined Sewer System Operational Plan necessary to implement the nine minimum controls and long term controls.

8. The permittee shall give the public affected by the development and implementation of the CSO control plan the opportunity to actively participate in the process. This includes participation in the evaluation and selection of controls, in determining the value that the community places on recreation opportunities that are impacted by CSO discharges, and in setting priorities for CSO control projects.

9. The permittee shall propose an implementation schedule based on consideration of the following: the relative magnitude of adverse impacts on water quality standards and designated uses, the community's financial capability, the relative cost/performance evaluations of individual projects, the priorities developed through public participation, and previous efforts to control CSOs.

10. When submitted, the long-term control plan shall be accompanied by a completed antidegradation addendum. To meet the information submittal requirements of antidegradation, the long-term control plan shall data and information that allow for examination of control alternatives, a review of the social and economic issues related to the plan, and fulfill other requirements of 3745-1-05(B)(2)(a) - (g). If implementation of the plan results in site-specific lowering of water quality, the director shall consider OAC 3745-1-05(C)(6)(a) - (m) when making a determination regarding the plan.

When the long term control plan is approved by the Director of Ohio EPA, the implementation schedule included in the plan shall be incorporated by reference as part of this permit, or this permit may be modified to incorporate the approved implementation schedule.

Part II, Other Requirements

- A. The wastewater treatment works must be under supervision of a Class IV State certified operator as required by rule 3745-7-02 of the Ohio Administrative Code.
- B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.
- C. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
OPD00007001	Plant effluent discharge to storm sewer to Ohio River.
.	Samples to be taken at the discharge of chlorine
.	contact tank.
.	(Lat: 38 N 32' 34"; Long: 82 W 41' 32")

Other Sampling and Monitoring Stations

OPD00007581	Sludge removed for land application at agronomic rates.
OPD00007586	Sludge removed for disposal at landfill.
OPD00007601	Raw sewage influent.
OPD00007002	Combined Sewer Overflow, See Part II, Item E.
OPD00007004	Combined Sewer Overflow, See Part II, Item E.
OPD00007007	Combined Sewer Overflow, See Part II, Item E.
OPD00007008	Combined Sewer Overflow, See Part II, Item E.
OPD00007009	Combined Sewer Overflow, See Part II, Item E.
OPD00007010	Combined Sewer Overflow, See Part II, Item E.
OPD00007011	Combined Sewer Overflow, See Part II, Item E.
OPD00007017	Combined Sewer Overflow, See Part II, Item E.
OPD00007018	Combined Sewer Overflow, See Part II, Item E.

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

E. The permittee is authorized to discharge from the following overflows only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part I, Item B for monitoring and reporting requirements. Also see Part III, Item 11.

Station Number	Description	Receiving Stream
OPD00007002	Plant Bypass (Lat: 38 N 32' 24"; Long: 82 W 41' 32")	Ohio River
OPD00007004	Nash and 1st Street CSO (Lat: 38 N 32' 02"; Long: 82 W 42' 40")	Ohio River
OPD00007007	Hecla Street CSO (Lat: 38 N 32' 24"; Long: 82 W 41' 32")	Ohio River
OPD00007008	Etna Street CSO (Lat: 38 N 32' 16"; Long: 82 W 41' 25")	Ohio River
OPD00007009	Walnut Street CSO (Lat: 38 N 31' 30"; Long: 82 W 40' 52")	Ohio River
OPD00007010	Martin and 5 1/2 Alley CSO (Lat: 38 N 31' 04"; Long: 82 W 42' 34")	Ohio River
OPD00007011	North 5th Street CSO (Lat: 38 N 32' 24"; Long: 82 W 41' 32")	Ohio River
OPD00007017	Mill Street South of 4th Street CSO (Lat: 38 N 32' 24"; Long: 82 W 41' 32")	Ohio River
OPD00007018	Orchard Street CSO (Lat: 38 N 32' 45"; Long: 82 W 41' 51")	Ohio River

F. The entire wastewater treatment system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. To accomplish this, the permittee shall utilize the following technologies:

- 1) provide proper operation and maintenance for the collection system and the combined sewer overflow points;
- 2) provide the maximum use of the collection system for storage of wet weather flow prior to allowing overflows;
- 3) review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows; or if there is no pretreatment program review and modify local programs to minimize the impact of nondomestic discharges from combined sewer overflows;
- 4) maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities;
- 5) prohibit dry weather overflows;
- 6) control solid and floatable materials in the combined sewer overflow discharge;
- 7) conduct required inspection, monitoring and reporting of CSOs;
- 8) implement pollution programs that focus on reducing the level of contaminants in CSOs; and
- 9) implements a public notification program for areas affected by CSOs, especially beaches and recreation areas.

G. Sanitary Sewer Overflow (SSO) Reporting Requirements

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include wet weather discharges from combined sewer overflows specifically listed in Part II of this NPDES permit (if any). All SSOs are prohibited except under emergency conditions where the overflow occurs in full compliance with all of the provisions of 40 CFR 122.41(m) and Part III Item 11 of this NPDES permit. Sanitary sewer overflows must be reported as required below.

1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within one hour of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
- (viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

A document showing the acceptable format for a 5-day follow up written report can be downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance web page at http://www.epa.state.oh.us/dsw/permits/technical_assistance.html

2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

a) Monthly Operating Reports

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your monthly operating reports. You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 form for station number 300.

b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

(i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.

(ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.

(iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause.

Not later than March 31 of each year, beginning in 2005, you must submit two copies of the annual report for the previous calendar year to the appropriate Ohio EPA district office. You also must provide adequate notice to the public of the availability of the report.

Systems serving fewer than 10,000 people are not required to prepare an annual report if all monthly operating reports for the preceding calendar year show no discharge from overflows.

A document showing the acceptable format for an annual SSO report can be downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance web page at http://www.epa.state.oh.us/dsw/permits/technical_assistance.html.

H. The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc.

I. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

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

K. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

L. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

M. 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.

N. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

O. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	PQL
Chlorine, tot. res.	0.050 mg/l

This permit may be modified, or, alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

P. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA).

Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must

- 1) comply with all conditions of its NPDES permit,
- 2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
- 3) satisfy corrective action requirements, and
- 4) meet all federal, state, and local pretreatment requirements.

Q. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

R. All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

S. Sewage sludge composite samples shall consist of six to twelve grab samples collected at such times and locations, and in such fashion, as to be representative of the facilities sewage sludge.

T. No later than January 31 of each calendar year the Permittee shall submit two (2) copies of a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the Permittee during the previous calendar year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, and one copy of the report shall be sent to the appropriate Ohio EPA District Office. The report shall be submitted on Ohio EPA Form 4229.

U. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal a representative composite sample of sewage sludge shall be collected and monitored for total solids. Results of the monitoring shall be used to calculate the total Sewage Sludge Weight (Monthly Operating Report code 70316) and total Sewage Sludge Fee Weight (Monthly Operating Report code 51129) for the reporting period specified by this NPDES permit. The results of the daily monitoring, and the weight calculations, shall be maintained on site for a minimum of five years. The test methodology used shall be Part 2540 G of Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

V. The Permittee may request authorization of land application sites in the following Ohio counties: Lawrence .

W. A grab sample of sewage sludge that has been treated to meet requirements for application to the land shall be monitored for dioxin, as the term dioxin is defined in rule 3745-40-01 of the Ohio Administrative Code, as per the monitoring frequency, methodologies and reporting requirements described in rule 3745-40-06 of the Ohio Administrative Code.

X. Mercury

1. The permittee shall use EPA Method 1631, promulgated under 40 CFR 136, to comply with the mercury monitoring requirements of this permit. The method detection level for Method 1631 is 0.2 ng/l. The quantification level is 1.0 ng/l for the Ohio River Basin.

2. Mercury Information for Next Renewal Application

Ohio rules for implementing water quality standards [OAC 3745-2-08(L)] require that mixing zones for bioaccumulative chemicals of concern (BCCs) be phased out as of November 15, 2010. This means that dischargers will need to meet water quality standards at the discharge point for BCCs after that date. Mercury is considered a BCC.

. a. Based on an evaluation of mercury data for outfall OPH00012 001 collected using Method 1631, the permittee shall submit one of the following to Ohio EPA with the next renewal application.

. i. A letter stating that the discharge is able to comply with a 30-day water quality-based effluent limit for mercury of 12 ng/l (OHIO RIVER BASIN).

. ii. If the permittee determines that compliance with a water quality-based effluent limit for mercury of 12 ng/l is not possible without the construction of expensive end-of-pipe controls, a variance from the mercury water quality standards is available under section 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. Section D(10)(a) of rule 3745-33-07 includes information on eligibility for coverage and lists the information that must be included in the application; or

. iii. If the permittee determines that compliance with the water quality based effluent limit for mercury of 12 ng/l is not possible, and it is not eligible for coverage under the mercury variance available at section D(10) of rule 3745-33-07, it may submit an application for an individual variance from water quality standards. Section (D)(1-3) of rule 3745-33-07 provides information on the applicability and conditions of an individual variance. Section (D)(4) of the rule lists the information that must be included in the application.

. b. Applications submitted under this item shall be sent to the Division of Surface Water at the appropriate Ohio EPA District Office.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

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

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

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

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

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "not greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

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

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

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

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

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

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

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

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

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

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

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

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

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

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

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

2. GENERAL EFFLUENT LIMITATIONS

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

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

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

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

Part III General Conditions (Con't)

4. REPORTING

A. Monitoring data required by this permit may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Enforcement Section ES/MOR
P.O. Box 1049
Columbus, Ohio 43216-1049

Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. 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 below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "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.

Part III General Conditions (Con't)

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.

Part III General Conditions (Con't)

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. 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 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
3. The permittee submitted notices as required under paragraph D. of this section,

B. 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.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;
2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or
3. Any upset which exceeds any effluent limitation in the permit.
4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

B. For the telephone reports required by Part 12.A., the following information must be included:

1. The times at which the discharge occurred, and was discovered;
2. The approximate amount and the characteristics of the discharge;
3. The stream(s) affected by the discharge;
4. The circumstances which created the discharge;
5. The names and telephone numbers of the persons who have knowledge of these circumstances;
6. What remedial steps are being taken; and
7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discovery of the discharge and/or noncompliance and submitted to the appropriate Ohio EPA district office. The report shall include the following:

1. The limitation(s) which has been exceeded;
2. The extent of the exceedance(s);
3. The cause of the exceedance(s);
4. The period of the exceedance(s) including exact dates and times;
5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).

D. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such 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 instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit 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.

Part III General Conditions (Con't)

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.

Part III General Conditions (Con't)

26. UPSET

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

27. SEVERABILITY

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

28. SIGNATORY REQUIREMENTS

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

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

29. OTHER INFORMATION

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

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

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

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

30. NEED TO HALT OR REDUCE ACTIVITY

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

31. APPLICABLE FEDERAL RULES

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

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

Application No. OH0025852

Issue Date: May 31, 2002

Effective Date: July 1, 2002

Expiration Date: July 31, 2006

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NPDES SUPPORT &
TECHNICAL ASSIST BR
EPA, REGION 5

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

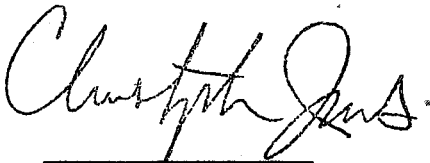
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Ironton

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the City of Ironton Wastewater Treatment wastewater treatment works located at 810 North Fourth Street, Ironton, Ohio, Lawrence County and authorized collection system combined sewer overflows all discharging to the Ohio River 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.



Christopher Jones
Director

Total Pages: 30

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

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPD00007001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements			
	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	-	1/Day	Maximum Indicating Thermometer	All	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	1/Day	Multiple Grab	All	All
00530 - Total Suspended Solids - mg/l	45	290	30	193	3/Week	24hr Composite	All	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	1/Week	Grab	All	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	3/Week	24hr Composite	All	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	1/Month	24hr Composite	All	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	1/Month	24hr Composite	All	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	Quarterly
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	Quarterly
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	1/Month	24hr Composite	All	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	1/Quarter	Grab	Quarterly	Quarterly
11123 - Manganese, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	Quarterly
31616 - Fecal Coliform - #/100 ml	2000	-	1000	-	3/Week	Grab	Winter	Winter
31616 - Fecal Coliform - #/100 ml	400	-	200	-	3/Week	Grab	Summer	Summer
50050 - Flow Rate - MGD	-	-	-	-	1/Day	24hr Total	All	All

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements			
	Concentration Maximum	Concentration Minimum	Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	
50060 - Chlorine, Total Residual - mg/l	0.038	-	Monthly	-	1/Day	Multiple Grab	All	
61941 - pH, Maximum - S.U.	9.0	-	Monthly	-	1/Day	Multiple Grab	All	
61942 - pH, Minimum - S.U.	-	6.5	Monthly	-	1/Day	Multiple Grab	All	
71901 - Mercury, Total Recoverable - ug/l	-	-	Monthly	-	1/Quarter	24hr Composite	Quarterly	
80082 - CBOD 5 day - mg/l	-	-	Weekly	40	3/Week	24hr Composite	All	

NOTES for Station Number OPD000007001:

-Effluent loadings based on average design flow of 1.7 MGD.

-Total residual chlorine - See Part II, Item J and K.

-Zinc - See Part II, Item R.

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Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 0PD00007581, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 581 - Final

Effluent Characteristic	Discharge Limitations			Monitoring Requirements		
	Parameter	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
00400 - pH - S.U.	-	-	-	1/Month	Grab	All
00611 - Ammonia (NH3) In Sludge - mg/kg	-	-	-	1/Month	Composite	All
00627 - Nitrogen Kjeldahl, Total In Sludge - mg/kg	-	-	-	1/Month	Composite	All
00668 - Phosphorus, Total In Sludge - mg/kg	-	-	-	1/Month	Composite	All
01003 - Arsenic, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01028 - Cadmium, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01029 - Chromium, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01043 - Copper, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01052 - Lead, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01068 - Nickel, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01093 - Zinc, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01148 - Selenium, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
70316 - Sludge Weight - Dry Tons	-	-	-	1/Day	Total	All
70318 - Sludge Solids, Percent Total - %	-	-	-	1/Day	Grab	All
70322 - Sludge Solids, Percent Volatile - %	-	-	-	1/Day	Grab	All
71921 - Mercury, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
78465 - Molybdenum In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly

NOTES for Station Number OPD00007581:

-Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of by land application at agronomic rates. If no sludge is removed during the entire month, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

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

-Sludge weight is a calculated total for the sampling period.

-See Part II, Items M, P and Q.

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Part I, B. - INFLUENT MONITORING REQUIREMENTS

2. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number OPD00007601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements				
	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	Concentration Minimum	Weekly	Monthly	Daily
00045 - Total Precipitation - Inches	-	-	1/Day	24hr Total	All	-	-	-	-
00400 - pH - S.U.	-	-	1/Day	Multiple Grab	All	-	-	-	-
00530 - Total Suspended Solids - mg/l	-	-	3/Week	24hr Composite	All	-	-	-	-
50047 - Flow, Peak Rate - MGD	-	-	1/Day	Maximum	All	-	-	-	-
80082 - CBOD 5 day - mg/l	-	-	3/Week	24hr Composite	All	-	-	-	-

NOTES for Station Number OPD00007601:

-pH - Report value closest to being outside the range of 6.5 S.U. to 9.0 S.U. or any value outside the range.

Part I, C - Schedule of Compliance

CSO Schedule

A. Within 18 months of the effective date of this permit, the permittee shall develop and submit for approval to the Southeast District Office two copies of a Combined Sewer System Long-Term Control Plan. The goal of the plan is that discharges from combined sewer overflows shall not cause or significantly contribute to violations of water quality standards or impairment of designated uses. If the contents of the long-term control plan are subject to review under 3745-1-05 (antidegradation), the plan will be public noticed as required in Section C of 3745-1-05. (Event Code 53799)

The plan shall address, as a minimum, the following:

1. The permittee shall characterize its collection system and overflows using the tools of monitoring and modeling. If previous characterization and modeling has been done, this shall be updated. A monitoring program shall be proposed that provides adequate data to characterize and model the collection system and overflows; supports development and implementation of the minimum control measures; supports development and implementation of a long-term control plan; and allows the effectiveness of control measures to be evaluated.
2. The permittee shall identify CSO discharges to State Resource Waters (OAC 3745-1-05), Bathing Waters [OAC 3745-1-07(B)(4)], and all surface waters within 500 yards of an existing public water supply intake and designate these discharges as the highest priority for elimination, relocation or treatment. Overflows to these waters shall be eliminated or relocated whenever physically and economically achievable, except when this would cause unacceptable water quality impacts elsewhere in the system. If elimination or relocation is not possible, then treatment must be provided that will result in attainment of water quality standards and designated uses.
3. The permittee shall identify CSO discharges to waters, including small, accessible urban streams, where there is a high probability for contact recreation, and develop controls to ensure that these waters attain the applicable water quality standards for bacteria. The potential for human health impacts, public input on the recreational value of the streams, and financial considerations should be used to prioritize controls for these streams.

The permittee shall develop and implement a significant notification program that informs the public of the possible health and environmental impacts associated with CSOs, and advises against contact recreation when elevated bacteria levels may endanger public health.

The permittee should contact Ohio EPA to discuss water quality standard revisions they believe would be appropriate based on community recreational use evaluations. The permittee shall also contact the Ohio EPA to discuss the possibility of a variance from water quality standards for bacteria during wet weather.

4. The permittee shall consider either the "presumption" or the "demonstration" approach included in U.S. EPA's National Combined Sewer Overflow Policy (April 19, 1994) with special consideration given to the presumptive approach which is the reduction of overflow events to less than six per year. Reduction of the number of untreated overflow events and reduction of both the frequency and duration of overflow events shall be evaluated as a control option and shall be implemented if it is cost effective, economically achievable, and does not cause new or significantly increased overflows elsewhere in the system. As part of CSO control, Ohio EPA expects communities to identify combined and separate sewer areas and to minimize the impact of existing and future separate sanitary flows on CSO discharges. Steps to consider include: using express sewers to route sanitary flows around combined sewer areas; reducing infiltration and inflow into the separate sewers. Communities also should consider ways to reduce storm water flow into combined sewers. Steps to consider include: diverting storm water away from the combined system (e.g. by constructing retention basins; removing inflow, such as roof drains); using catch basin flow restriction.

5. For the collection system the permittee shall consider improvements to control floatable solids; screening; primary treatment and disinfection of overflows. For the treatment plant, the permittee shall consider additions of primary treatment and disinfection capacity, a secondary treatment bypass, and other cost effective measures, such as retention basins, for the purpose of increasing the treatment of wet weather flows at the plant. Ohio EPA will evaluate these measures for approval during the Permit To Install process. Bypasses of secondary treatment must meet the requirements of 40 CFR 122.41(m) and with adequate documentation may be authorized in the NPDES permit.

6. The permittee shall conduct cost/performance analyses to determine where the increment of CSO abatement achieved diminishes compared to the increased costs.

7. The permittee shall evaluate compliance status with the nine minimum controls and propose improvements for continued implementation of the nine minimum controls. The permittee shall also propose revisions to the Combined Sewer System Operational Plan necessary to implement the nine minimum controls and long term controls.

8. The permittee shall give the public affected by the development and implementation of the CSO control plan the opportunity to actively participate in the process. This includes participation in the evaluation and selection of controls, in determining the value that the community places on recreation opportunities that are impacted by CSO discharges, and in setting priorities for CSO control projects.

9. The permittee shall propose an implementation schedule based on consideration of the following: the relative magnitude of adverse impacts on water quality standards and designated uses, the community's financial capability, the relative cost/performance evaluations of individual projects, the priorities developed through public participation, and previous efforts to control CSOs.

10. When submitted, the long-term control plan shall be accompanied by a completed antidegradation addendum. To meet the information submittal requirements of antidegradation, the long-term control plan shall data and information that allow for examination of control alternatives, a review of the social and economic issues related to the plan, and fulfill other requirements of 3745-1-05(B)(2)(a) - (g). If implementation of the plan results in site-specific lowering of water quality, the director shall consider OAC 3745-1-05(C)(6)(a) - (m) when making a determination regarding the plan.

When the long term control plan is approved by the Director of Ohio EPA, the implementation schedule included in the plan shall be incorporated by reference as part of this permit, or this permit may be modified to incorporate the approved implementation schedule.

Part II, Other Requirements

- A. The wastewater treatment works must be under supervision of a Class IV State certified operator as required by rule 3745-7- 02 of the Ohio Administrative Code.
- B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual and the combined sewer collection system must be operated in accordance with the CSO Operational Plan.
- C. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
OPD00007001	Plant effluent discharge to storm sewer to Ohio River. (Lat: 38 N 32' 24"; Long: 82 W 41' 32")
OPD00007581	Sludge removed for land application at agronomic rates.
OPD00007601	Raw sewage influent.

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

E. The permittee is authorized to discharge from the following overflows only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part II, Item F for monitoring and reporting requirements. Also see Part III, Item 11.

Station Number	Description	Receiving Stream
OPD00007002	Plant Bypass (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007004	Nash and 1st Street CSO (Lat: 38 deg 32' 02"; Long: 82 deg 42' 40")	Ohio River
OPD00007007	Hecla Street CSO (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007008	Etna Street CSO (Lat: 38 deg 32' 16"; Long: 82 deg 41' 25")	Ohio River
OPD00007009	Walnut Street CSO (Lat: 38 deg 31' 30"; Long: 82 deg 40' 52")	Ohio River
OPD00007010	Martin and 5 1/2 Alley CSO (Lat: 38 deg 31' 04"; Long: 82 deg 42' 34")	Ohio River
OPD00007011	North Fifth Street CSO (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007017	Mill Street South of 4th Street CSO (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007018	Orchard Street CSO (Lat: 38 deg 32' 45"; Long: 82 deg 41' 51")	Ohio River

F. The permittee shall monitor the system overflows at stations OPD00007002, OPD00007004, OPD00007007 through OPD00007011, OPD00007017 and OPD00007018 and report to the Ohio EPA in accordance with the following table:

CHARACTERISTIC			MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00530	mg/l	Suspended Solids	1/Month	Grab
50050	MGD	Flow	When discharging	Daily Estimate
80082	mg/l	CBOD5	1/Month	Grab
80998	Number/Month Occurrences		When discharging	Estimate
80999	Hours	Duration	When discharging	Daily Estimate

The permittee shall set up a rotating schedule to sample at least five (5) stations during each storm event. Samples should be collected during the first 30 minutes of discharge.

Data for the number of occurrence(s) per day, the daily duration, and the total daily flow may be estimated.

Monitoring data shall be submitted for each month when discharge occurs. When discharge occurs, the monthly monitoring report shall be attached to the normal monthly report form (EPA-4500).

G. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

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

I. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

J. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

K. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

L. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the 40 CFR 136 promulgated analytical procedure for those parameters. In accordance with the ORC Section 6111.13 and OAC Rule 3745-33-07(C), if a discharge limit is set below the OEPA QL, any analytical result reported less than the OEPA QL shall be considered to be in compliance with that limit. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	PQL	ML
Chlorine, Total Residual	0.050 mg/l	--

This permit may be modified, or alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

M. As soon as possible, but no later than six months after the effective date of this permit, the permittee shall sample, test, and submit the results of a sludge analysis for dioxin/dibenzofurans. The analysis shall be conducted on a composite, representative sample. The sample shall be representative of sludge removed to final disposal. The sample shall be a composite of at least one grab sample taken on each day which sludge is removed for final disposal over a five day period. The dioxin/dibenzofuran analysis will include:

1. Concentrations of dioxins reported as total concentration for each class 4 through 8 (class concentrations) and for all 2,3,7,8-congeners for each class 4 through 8(2,3,7,8-congener concentrations)
2. Concentrations of dibenzofurans reported as total concentration for each class 4 through 8 (class concentrations) and for all 2,3,7,8-congeners for each class 4 through 8 (2,3,7,8-congener concentrations)

The analysis shall be conducted following the procedures for Method 8290 as outlined in the most current edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846.

The analysis results will be reported showing individual isomer concentrations, total class concentration and a calculation of the Total Toxic Equivalence (TTE). If any individual isomer concentrations are less than the detection limit, a value of one-half (1/2) the detection level for that isomer will be used in the calculation of the TTE.

A sample analysis reporting form is available in the "Land Application of Sludge Manual"; Ohio EPA; September 28, 1998; pages 51 - 53.

The analysis results shall be submitted to: Ohio EPA; Division of Surface Water; Agriculture, Sludge and PTI Unit; Lazarus Government Center; P.O. Box 1049; Columbus, Ohio, 43216-1049.

N. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must

- 1) comply with all conditions of its NPDES permit,
- 2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
- 3) satisfy corrective action requirements, and
- 4) meet all federal, state, and local pretreatment requirements.

O. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

P. Within 6 months of the effective date of this (Permit or Modification), the permittee shall submit to the appropriate Ohio EPA District Office an evaluation of its sludge management plan, which was approved on March 2, 1998.

This evaluation shall examine the adequacy of the plan, including any implementation problems encountered and any changes required, and is to reflect the actual sludge disposal practices. If significant changes are required, the permittee may be required to submit for approval a modified sludge management plan.

Q. Not later than January 31 of each calendar year, the permittee shall submit two (2) copies of a report summarizing the sludge disposal and/or reuse activities of the facility during the previous year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, Central Office, and one copy of the report shall be sent to the appropriate Ohio EPA District Office. This report shall address:

- 1) Amount of sludge disposed of/reused in dry tons.
- 2) Method(s) of disposal/reuse.
- 3) Summary of all analyses made on the sludge, including any priority pollutant scans that may have been performed. (If a priority pollutant scan has been conducted as a part of the pretreatment program, the most recent analysis should be submitted.)
- 4) Problems encountered including any complaints received. The cause or reason for the problem and corrective actions taken to solve the problem should also be included. Any incidents of interference with the method of sludge disposal shall be identified, along with the cause of interference (i.e., excessive metals concentration, contaminated sludge, etc.) and the corrective actions taken.

R. Tracking of Group 4 Parameters

A preliminary effluent limit (PEL) has been provided below for parameters with a projected effluent quality (PEQ) equivalent to or exceeding seventy-five percent of the PEL. In accordance with rule 3745-33-07(A)(2) of the Ohio Administrative Code, the permittee must report in writing, any effluent concentration sample result greater than the PEL values listed below to Ohio EPA, Southeast District Office. Written notification must be submitted within 30 days of an effluent concentration sample result that exceeds the PEL and must detail the reasons why the PEL has been exceeded and the expectation of continued levels above the PEL.

Parameter	PEL
Zinc	300 ug/l

The permittee must reduce discharge levels to below the PEL if either of the following conditions are met:

1. The maximum detected concentration per month is greater than the maximum PEL for four or more months during a consecutive six month period; or
2. The thirty-day average for any pollutant is greater than the average PEL for two or more months during a consecutive six month period; and

If the permittee cannot reduce discharge levels below the PEL within six months after either of conditions 1 or 2 above are met, the permittee may request to modify the permit to contain a compliance schedule. This request shall contain justification for the additional time necessary to reduce discharge levels.

S. The entire wastewater treatment system including the collection system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. The permittee is required to implement the minimum control measures for CSOs that are applicable to its system. It is also the responsibility of the permittee to document implementation of the minimum control measures. The permittee shall keep records to document the implementation of the minimum control measures and shall submit annually to the Ohio EPA Southeast District Office a report on the status of implementation of the minimum control measures. To accomplish implementation of the minimum control measures, the permittee shall comply with the following technology based requirements:

1. Provide proper operation and maintenance of the collection system and the combined sewer overflow points.

The permittee shall implement the approved operational and maintenance plan for the combined sewer system (CSS) that will include the elements listed below. The permittee also shall update the plan to incorporate any changes to the system or to address any improvements as the result of the characterization, monitoring and modeling study and shall operate and maintain the system according to the plan.

The operational plan shall:

- a. Describe the system, including an inventory of all CSO structures, equipment, and treatment facilities. Provides procedures for keeping this inventory current.
- b. Include provisions for routine inspection, cleaning and maintenance, and repair schedules for all inventoried CSO outfalls, interceptors, regulators, pumping stations, and equipment. Included schedules and inspection frequencies that are appropriate for the system. The permittee shall inspect and maintain all CSO structures, regulators, pumping stations, and tidegates to ensure that they are in good working condition and adjusted to minimize CSOs and prevent river inflow. The permittee shall inspect, or cause to be inspected, each CSO outfall at an appropriate frequency to ensure no dry weather overflows are occurring. The inspection shall include, but is not limited to, entering the regulator structure if accessible, determining the extent of debris and grit buildup, and removing any debris that may constrict flow, cause blockage, or result in a dry weather overflow. The permittee shall record in a maintenance log book the results of the inspections. For CSO outfalls that are inaccessible, the permittee may perform a visual check of the overflow pipe to determine whether or not the CSO is occurring during dry weather flow conditions.
- c. Provide for inspections for dry weather overflows and illicit connections.
- d. Include operating procedures and specifications for all equipment, structures, facilities, CSO outfalls, and off-line storage structures. Describe the hydraulic capacities of the collection and treatment systems, the storage capacities of the collection and treatment systems, and off-line storage capacity.

e. Have in place operating procedures that reflect the best use of the system's flow and routing controls to minimize CSOs. Includes procedures to identify and correct combined sewer system (CSS) and CSO problems.

f. Include logs or other documentation of completed activities and documentation of sewage blockages.

g. Address the location of overflows where O&M is hindered (e.g., structures are under major thoroughfares, railroad yards, or other difficult-to-reach or safety hazard areas).

h. Allocate resources for O&M program implementation, including staffing level and funding, equipment, and training. The permittee shall ensure the availability of trained staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. Each staff member shall receive appropriate training.

The permittee shall allocate adequate funds specifically for operation and maintenance activities.

i. Be effective in reducing the number, frequency, and pollutant loadings of CSOs.

2. Provide for the maximum use of the collection system for storage of wet weather flow prior to allowing overflows. The permittee shall maximize the in-line storage capacity. The permittee shall keep records to document implementation.

The permittee shall maintain all dams or diversion structures at their current heights (as of the date of permit issuance) or greater unless Ohio EPA has approved alternate settings.

3. Review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows; or if there is no pretreatment program, review and modify local programs to minimize the impact of nondomestic discharges from combined sewer overflows.

The permittee shall implement appropriate controls to minimize CSO impacts resulting from nondomestic discharges. The permittee shall keep records to document this evaluation and implementation of the selected CSO controls to minimize CSO impacts resulting from nondomestic discharges.

The permittee shall maintain information about industrial users up-pipe of each CSO, such as name and address of the facility, SIC code, pollutants discharged to the sewer system, and any history of problems associated with their discharge. This shall include any measures taken to minimize or eliminate discharge through CSOs of pollutants associated with the industries.

4. Maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities

The permittee shall operate the collection system and treatment plant to treat the maximum flow during wet weather flow conditions/events and deliver all flows to the treatment plant within the constraints of the capacity of the treatment plant and collection system. The permittee shall keep records to document these actions.

5. Prohibit dry weather overflows

Dry weather overflows from CSO outfalls are prohibited. All dry weather overflows must be reported to the Ohio EPA within one (1) day of when the permittee becomes aware of a dry weather overflow. When the permittee detects a dry weather overflow, the permittee shall begin corrective action immediately. The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated. The permittee shall record in an inspection log book dry weather overflows, as well as the cause, corrective measures taken, and the dates of beginning and cessation of overflow.

6. Control solid and floatable materials in the combined sewer overflow discharge The permittee shall implement measures to control solid and floatable materials in CSOs.

The permittee shall not discharge any floating debris, oil, grease, scum, foam, or other objectionable materials that may result in amounts sufficient to be unsightly or otherwise objectionable.

The permittee shall not discharge settleable solids, sediments, sludge deposits, or suspended particles that may coat or cover submerged surfaces.

7. Conduct necessary inspection, monitoring and reporting of CSOs

The permittee shall regularly monitor CSO outfalls to effectively characterize CSO impacts and the effectiveness of CSO controls.

8. Implement pollution prevention programs that focus on reducing the level of contaminants in CSOs.

The permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters. The permittee shall keep records to document pollution prevention implementation activities. These can include:

Street sweeping and catch basin modification or cleaning at an appropriate frequency to prevent large accumulations of pollutants and debris

A public education program that informs the public of the permittee's local laws that prohibit littering

An oil recycling program.

Information on industrial users up-pipe of each CSO and any measures taken to minimize or eliminate discharge through CSOs of pollutants associated with the industries.

9. Implements a public notification program for areas affected by CSOs, especially beaches and recreation areas.

The permittee shall keep records documenting public notification.

Within 6 months of the effective date of this permit, the permittee shall install and maintain identification signs at all CSO outfalls owned and operated by the permittee. The permittee must place the signs at or near the CSO outfalls and ensure that the signs are easily readable by the public. Each sign shall identify that the outfall may discharge sewage during wet weather. A contact telephone number for the permittee shall be on the sign. If the outfall sewer is submerged, the sign shall indicate this.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily load" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

"Daily concentration" means the arithmetic average of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Weekly load" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

"Weekly concentration" means the arithmetic average of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Monthly load" is the total discharge by weight during all days in a calendar month divided by the number of days that the facility was in operation during that month. If only one sample is taken during the month the weight of pollutant discharge calculated from it is the monthly load. If more than one sample is taken during the month, the monthly load is calculated by determining the daily load for each day sampled, totaling the daily loads for the month and dividing by the number of days sampled.

"Monthly concentration" means the arithmetic average of all the determinations of daily concentration made during any calendar month. If only one sample is taken during the month, its concentration is the monthly concentration for that period. Coliform bacteria limitations compliance 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.

"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.

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 may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Enforcement Section ES/MOR
P.O. Box 1049
Columbus, Ohio 43216-0149

Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. 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 below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature 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 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, 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 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 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. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

- 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;**
- 2. 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 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**

3. The permittee submitted notices as required under paragraph D. of this section,

B. 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.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

- 1. Any noncompliance which may endanger health or the environment;**
- 2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or**
- 3. Any upset which exceeds any effluent limitation in the permit.**
- 4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.**

B. For the telephone reports required by Part 12.A., the following information must be included:

- 1. The times at which the discharge occurred, and was discovered;**
- 2. The approximate amount and the characteristics of the discharge;**
- 3. The stream(s) affected by the discharge;**
- 4. The circumstances which created the discharge;**
- 5. The names and telephone numbers of the persons who have knowledge of these circumstances;**
- 6. What remedial steps are being taken; and**
- 7. The names and telephone numbers of the persons responsible for such remedial steps.**

C. These telephone reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA district office. The report shall include the following:

- 1. The limitation(s) which has been exceeded;**
- 2. The extent of the exceedance(s);**
- 3. The cause of the exceedance(s);**
- 4. The period of the exceedance(s) including exact dates and times;**
- 5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and**
- 6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).**

D. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such 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 instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit 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 screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

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 nor 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.

Appendix C

RECEIVED
JUN 08 2004

Ohio Environmental Protection Agency
Modification of National Pollutant Discharge
Elimination System (NPDES) Permit

NPDES SUPPORT &
TECHNICAL ASSIST BR.
EPA, REGION 5

Issue Date: March 10, 2004 Existing Permit No.: OPD00007*HD

Effective Date: June 1, 2004 Application No.: OH0025852

Entity Name: Mayor and Council, City of Ironton

Facility Location: 810 North Fourth Street, Ironton, Ohio, Lawrence County

In accordance with Rule 3745-33-04 (D) of the Ohio Administrative Code, the above referenced NPDES permit is hereby modified as follows:

Revision

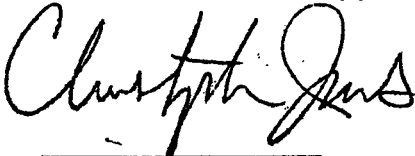
Extend Long-Term Control Plan (LTCP) submittal an additional 18 months in Part I, Schedule of Compliance.

Delete language in Part II, Items M and P and leave items reserved.

Attached is the modified NPDES permit.

All terms and conditions of the existing permit not recommended for modification by this document will remain in effect. Any modified term or condition contained in this modification shall supersede, on the date this modification is effective, the existing respective term or condition of the permit.

When the modification is effective, the Ohio EPA permit number will be changed to OPD00007*ID. The application number will remain OH0025852.



Christopher Jones
Director

Application No. OH0025852

Modification Issue Date: March 10, 2004

Modification Effective Date: June 1, 2004

Expiration Date: July 31, 2006

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

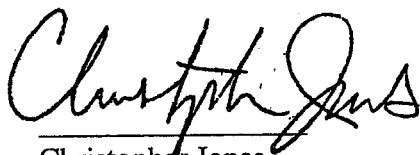
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Ironton

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the City of Ironton Wastewater Treatment wastewater treatment works located at 810 North Fourth Street, Ironton, Ohio, Lawrence County and authorized collection system combined sewer overflows all discharging to the Ohio River 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.



Christopher Jones
Director

Total Pages: 29

OPD00007*ID

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

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPD00007001 . See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	
00010 - Water Temperature - C	-	-	1/Day	Maximum Indicating Thermometer	All	
00300 - Dissolved Oxygen - mg/l	-	-	1/Day	Multiple Grab	All	
00530 - Total Suspended Solids - mg/l	45	290	3/Week	24hr Composite	All	
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	1/Week	Grab	All	
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	3/Week	24hr Composite	All	
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	1/Month	24hr Composite	All	
01074 - Nickel, Total Recoverable - ug/l	-	-	1/Quarter	24hr Composite	Quarterly	
01094 - Zinc, Total Recoverable - ug/l	-	-	1/Month	24hr Composite	All	
01113 - Cadmium, Total Recoverable - ug/l	-	-	1/Quarter	24hr Composite	Quarterly	
01114 - Lead, Total Recoverable - ug/l	-	-	1/Quarter	24hr Composite	Quarterly	
01118 - Chromium, Total Recoverable - ug/l	-	-	1/Quarter	24hr Composite	Quarterly	
01119 - Copper, Total Recoverable - ug/l	-	-	1/Month	24hr Composite	All	
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	1/Quarter	Grab	Quarterly	
11123 - Manganese, Total Recoverable - ug/l	-	-	1/Quarter	24hr Composite	Quarterly	
31616 - Fecal Coliform - #/100 ml	2000	1000	3/Week	Grab	Winter	
31616 - Fecal Coliform - #/100 ml	400	200	3/Week	Grab	Summer	
50050 - Flow Rate - MGD	-	-	1/Day	24hr Total	All	

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements						
	Concentration Maximum	Specified Minimum	Units	Monthly	Daily	Weekly	kg/day	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	-	1/Day	Multiple Grab	All
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	-	1/Day	Multiple Grab	All
61942 - pH, Minimum - S.U.	-	6.5	-	-	-	-	-	-	1/Day	Multiple Grab	All
71901 - Mercury, Total Recoverable - ug/l	-	-	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
80082 - CBOD 5 day - mg/l	-	-	40	25	-	257	161	-	3/Week	24hr Composite	All

NOTES for Station Number OPD00007001:

-Effluent loadings based on average design flow of 1.7 MGD.

-Total residual chlorine - See Part II, Item J and K.

-Zinc - See Part II, Item R.

0PDUUUU/*1D

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number OPD00007581, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 581 - Final

Effluent Characteristic	Discharge Limitations			Monitoring Requirements		
	Parameter	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
00400 - pH - S.U.	-	-	-	1/Month	Grab	All
00611 - Ammonia (NH3) In Sludge - mg/kg	-	-	-	1/Month	Composite	All
00627 - Nitrogen Kjeldahl, Total In Sludge - mg/kg	-	-	-	1/Month	Composite	All
00668 - Phosphorus, Total In Sludge - mg/kg	-	-	-	1/Month	Composite	All
01003 - Arsenic, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01028 - Cadmium, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01029 - Chromium, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01043 - Copper, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01052 - Lead, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01068 - Nickel, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01093 - Zinc, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
01148 - Selenium, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
70316 - Sludge Weight - Dry Tons	-	-	-	1/Day	Total	All
70318 - Sludge Solids, Percent Total - %	-	-	-	1/Day	Grab	All
70322 - Sludge Solids, Percent Volatile - %	-	-	-	1/Day	Grab	All
71921 - Mercury, Total In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly
78465 - Molybdenum In Sludge - mg/kg	-	-	-	1/Quarter	Composite	Quarterly

NOTES for Station Number OPD00007581:

-Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of by land application at agronomic rates. If no sludge is removed during the entire month, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

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

-Sludge weight is a calculated total for the sampling period.

-See Part II, Items M, P and Q.

07/0000/011

Part I, B. - INFLUENT MONITORING REQUIREMENTS

2. Inflow Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number OPD00007601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Inflow Monitoring - 601 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months		
00045 - Total Precipitation - Inches	-	-	1/Day	24hr Total	All		
00400 - pH - S.U.	-	-	1/Day	Multiple Grab	All		
00530 - Total Suspended Solids - mg/l	-	-	3/Week	24hr Composite	All		
50047 - Flow, Peak Rate - MGD	-	-	1/Day	Maximum	All		
80082 - CBOD 5 day - mg/l	-	-	3/Week	24hr Composite	All		

NOTES for Station Number OPD00007601:

-pH - Report value closest to being outside the range of 6.5 S.U. to 9.0 S.U. or any value outside the range.

Part I, C - Schedule of Compliance

CSO Schedule

A. Within 18 months of the effective date of this permit modification, the permittee shall develop and submit for approval to the Southeast District Office two copies of a Combined Sewer System Long-Term Control Plan. The goal of the plan is that discharges from combined sewer overflows shall not cause or significantly contribute to violations of water quality standards or impairment of designated uses. If the contents of the long-term control plan are subject to review under 3745-1-05 (antidegradation), the plan will be public noticed as required in Section C of 3745-1-05. (Event Code 53799)

The plan shall address, as a minimum, the following:

1. The permittee shall characterize its collection system and overflows using the tools of monitoring and modeling. If previous characterization and modeling has been done, this shall be updated. A monitoring program shall be proposed that provides adequate data to characterize and model the collection system and overflows; supports development and implementation of the minimum control measures; supports development and implementation of a long-term control plan; and allows the effectiveness of control measures to be evaluated.
2. The permittee shall identify CSO discharges to State Resource Waters (OAC 3745-1-05), Bathing Waters [OAC 3745-1-07(B)(4)], and all surface waters within 500 yards of an existing public water supply intake and designate these discharges as the highest priority for elimination, relocation or treatment. Overflows to these waters shall be eliminated or relocated whenever physically and economically achievable, except when this would cause unacceptable water quality impacts elsewhere in the system. If elimination or relocation is not possible, then treatment must be provided that will result in attainment of water quality standards and designated uses.
3. The permittee shall identify CSO discharges to waters, including small, accessible urban streams, where there is a high probability for contact recreation, and develop controls to ensure that these waters attain the applicable water quality standards for bacteria. The potential for human health impacts, public input on the recreational value of the streams, and financial considerations should be used to prioritize controls for these streams.

The permittee shall develop and implement a significant notification program that informs the public of the possible health and environmental impacts associated with CSOs, and advises against contact recreation when elevated bacteria levels may endanger public health.

The permittee should contact Ohio EPA to discuss water quality standard revisions they believe would be appropriate based on community recreational use evaluations. The permittee shall also contact the Ohio EPA to discuss the possibility of a variance from water quality standards for bacteria during wet weather.

4. The permittee shall consider either the "presumption" or the "demonstration" approach included in U.S. EPA's National Combined Sewer Overflow Policy (April 19, 1994) with special consideration given to the presumptive approach which is the reduction of overflow events to less than six per year. Reduction of the number of untreated overflow events and reduction of both the frequency and duration of overflow events shall be evaluated as a control option and shall be implemented if it is cost effective, economically achievable, and does not cause new or significantly increased overflows elsewhere in the system. As part of CSO control, Ohio EPA expects communities to identify combined and separate sewer areas and to minimize the impact of existing and future separate sanitary flows on CSO discharges. Steps to consider include: using express sewers to route sanitary flows around combined sewer areas; reducing infiltration and inflow into the separate sewers. Communities also should consider ways to reduce storm water flow into combined sewers. Steps to consider include: diverting storm water away from the combined system (e.g, by constructing retention basins; removing inflow, such as roof drains); using catch basin flow restriction.

5. For the collection system the permittee shall consider improvements to control floatable solids; screening; primary treatment and disinfection of overflows. For the treatment plant, the permittee shall consider additions of primary treatment and disinfection capacity, a secondary treatment bypass, and other cost effective measures, such as retention basins, for the purpose of increasing the treatment of wet weather flows at the plant. Ohio EPA will evaluate these measures for approval during the Permit To Install process. Bypasses of secondary treatment must meet the requirements of 40 CFR 122.41(m) and with adequate documentation may be authorized in the NPDES permit.

6. The permittee shall conduct cost/performance analyses to determine where the increment of CSO abatement achieved diminishes compared to the increased costs.

7. The permittee shall evaluate compliance status with the nine minimum controls and propose improvements for continued implementation of the nine minimum controls. The permittee shall also propose revisions to the Combined Sewer System Operational Plan necessary to implement the nine minimum controls and long term controls.

8. The permittee shall give the public affected by the development and implementation of the CSO control plan the opportunity to actively participate in the process. This includes participation in the evaluation and selection of controls, in determining the value that the community places on recreation opportunities that are impacted by CSO discharges, and in setting priorities for CSO control projects.

9. The permittee shall propose an implementation schedule based on consideration of the following: the relative magnitude of adverse impacts on water quality standards and designated uses, the community's financial capability, the relative cost/performance evaluations of individual projects, the priorities developed through public participation, and previous efforts to control CSOs.

10. When submitted, the long-term control plan shall be accompanied by a completed antidegradation addendum. To meet the information submittal requirements of antidegradation, the long-term control plan shall data and information that allow for examination of control alternatives, a review of the social and economic issues related to the plan, and fulfill other requirements of 3745-1-05(B)(2)(a) - (g). If implementation of the plan results in site-specific lowering of water quality, the director shall consider OAC 3745-1-05(C)(6)(a) - (m) when making a determination regarding the plan.

When the long term control plan is approved by the Director of Ohio EPA, the implementation schedule included in the plan shall be incorporated by reference as part of this permit, or this permit may be modified to incorporate the approved implementation schedule.

Part II, Other Requirements

A. The wastewater treatment works must be under supervision of a Class IV State certified operator as required by rule 3745-7-02 of the Ohio Administrative Code.

B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual and the combined sewer collection system must be operated in accordance with the CSO Operational Plan.

C. Description of the location of the required sampling stations are as follows:

Sampling Station Description of Location

- OPD00007001 Plant effluent discharge to storm sewer to Ohio River.
 (Lat: 38 N 32' 24"; Long: 82 W 41' 32")
- OPD00007581 Sludge removed for land application at agronomic rates.
- OPD00007601 Raw sewage influent.

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

E. The permittee is authorized to discharge from the following overflows only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part II, Item F for monitoring and reporting requirements. Also see Part III, Item 11.

Station Number	Description	Receiving Stream
OPD00007002	Plant Bypass (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007004	Nash and 1st Street CSO (Lat: 38 deg 32' 02"; Long: 82 deg 42' 40")	Ohio River
OPD00007007	Hecla Street CSO (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007008	Etna Street CSO (Lat: 38 deg 32' 16"; Long: 82 deg 41' 25")	Ohio River
OPD00007009	Walnut Street CSO (Lat: 38 deg 31' 30"; Long: 82 deg 40' 52")	Ohio River
OPD00007010	Martin and 5 1/2 Alley CSO (Lat: 38 deg 31' 04"; Long: 82 deg 42' 34")	Ohio River
OPD00007011	North Fifth Street CSO (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007017	Mill Street South of 4th Street CSO (Lat: 38 deg 32' 24"; Long: 82 deg 41' 32")	Ohio River
OPD00007018	Orchard Street CSO (Lat: 38 deg 32' 45"; Long: 82 deg 41' 51")	Ohio River

F. The permittee shall monitor the system overflows at stations OPD00007002, OPD00007004, OPD00007007 through OPD00007011, OPD00007017 and OPD00007018 and report to the Ohio EPA in accordance with the following table:

CHARACTERISTIC			MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Measurement Frequency	Sample Type
00530	mg/l	Suspended Solids	1/Month	Grab
50050	MGD	Flow	When discharging	Daily Estimate
80082	mg/l	CBOD5	1/Month	Grab
80998	Number/Month	Occurrences	When discharging	Estimate
80999	Hours	Duration	When discharging	Daily Estimate

The permittee shall set up a rotating schedule to sample at least five (5) stations during each storm event. Samples should be collected during the first 30 minutes of discharge.

Data for the number of occurrence(s) per day, the daily duration, and the total daily flow may be estimated.

Monitoring data shall be submitted for each month when discharge occurs. When discharge occurs, the monthly monitoring report shall be attached to the normal monthly report form (EPA-4500).

G. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

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

I. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

J. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

K. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

L. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the 40 CFR 136 promulgated analytical procedure for those parameters. In accordance with the ORC Section 6111.13 and OAC Rule 3745-33-07(C), if a discharge limit is set below the OEPA QL, any analytical result reported less than the OEPA QL shall be considered to be in compliance with that limit. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	PQL	ML
Chlorine, Total Residual	0.050 mg/l	--

This permit may be modified, or alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

M. Reserved

N. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must

- 1) comply with all conditions of its NPDES permit,
- 2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
- 3) satisfy corrective action requirements, and
- 4) meet all federal, state, and local pretreatment requirements.

O. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

P. Reserved

This evaluation shall examine the adequacy of the plan, including any implementation problems encountered and any changes required, and is to reflect the actual sludge disposal practices. If significant changes are required, the permittee may be required to submit for approval a modified sludge management plan.

Q. Not later than January 31 of each calendar year, the permittee shall submit two (2) copies of a report summarizing the sludge disposal and/or reuse activities of the facility during the previous year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, Central Office, and one copy of the report shall be sent to the appropriate Ohio EPA District Office. This report shall address:

- 1) Amount of sludge disposed of/reused in dry tons.
- 2) Method(s) of disposal/reuse.
- 3) Summary of all analyses made on the sludge, including any priority pollutant scans that may have been performed. (If a priority pollutant scan has been conducted as a part of the pretreatment program, the most recent analysis should be submitted.)
- 4) Problems encountered including any complaints received. The cause or reason for the problem and corrective actions taken to solve the problem should also be included. Any incidents of interference with the method of sludge disposal shall be identified, along with the cause of interference (i.e., excessive metals concentration, contaminated sludge, etc.) and the corrective actions taken.

R. Tracking of Group 4 Parameters

A preliminary effluent limit (PEL) has been provided below for parameters with a projected effluent quality (PEQ) equivalent to or exceeding seventy-five percent of the PEL. In accordance with rule 3745-33-07(A)(2) of the Ohio Administrative Code, the permittee must report in writing, any effluent concentration sample result greater than the PEL values listed below to Ohio EPA, Southeast District Office. Written notification must be submitted within 30 days of an effluent concentration sample result that exceeds the PEL and must detail the reasons why the PEL has been exceeded and the expectation of continued levels above the PEL.

Parameter	PEL
Zinc	300 ug/l

The permittee must reduce discharge levels to below the PEL if either of the following conditions are met:

1. The maximum detected concentration per month is greater than the maximum PEL for four or more months during a consecutive six month period; or
2. The thirty-day average for any pollutant is greater than the average PEL for two or more months during a consecutive six month period; and

If the permittee cannot reduce discharge levels below the PEL within six months after either of conditions 1 or 2 above are met, the permittee may request to modify the permit to contain a compliance schedule. This request shall contain justification for the additional time necessary to reduce discharge levels.

S. The entire wastewater treatment system including the collection system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. The permittee is required to implement the minimum control measures for CSOs that are applicable to its system. It is also the responsibility of the permittee to document implementation of the minimum control measures. The permittee shall keep records to document the implementation of the minimum control measures and shall submit annually to the Ohio EPA Southeast District Office a report on the status of implementation of the minimum control measures. To accomplish implementation of the minimum control measures, the permittee shall comply with the following technology based requirements:

1. Provide proper operation and maintenance of the collection system and the combined sewer overflow points.

The permittee shall implement the approved operational and maintenance plan for the combined sewer system (CSS) that will include the elements listed below. The permittee also shall update the plan to incorporate any changes to the system or to address any improvements as the result of the characterization, monitoring and modeling study and shall operate and maintain the system according to the plan.

The operational plan shall:

- a. Describe the system, including an inventory of all CSO structures, equipment, and treatment facilities. Provides procedures for keeping this inventory current.
- b. Include provisions for routine inspection, cleaning and maintenance, and repair schedules for all inventoried CSO outfalls, interceptors, regulators, pumping stations, and equipment. Included schedules and inspection frequencies that are appropriate for the system. The permittee shall inspect and maintain all CSO structures, regulators, pumping stations, and tidegates to ensure that they are in good working condition and adjusted to minimize CSOs and prevent river inflow. The permittee shall inspect, or cause to be inspected, each CSO outfall at an appropriate frequency to ensure no dry weather overflows are occurring. The inspection shall include, but is not limited to, entering the regulator structure if accessible, determining the extent of debris and grit buildup, and removing any debris that may constrict flow, cause blockage, or result in a dry weather overflow. The permittee shall record in a maintenance log book the results of the inspections. For CSO outfalls that are inaccessible, the permittee may perform a visual check of the overflow pipe to determine whether or not the CSO is occurring during dry weather flow conditions.
- c. Provide for inspections for dry weather overflows and illicit connections.
- d. Include operating procedures and specifications for all equipment, structures, facilities, CSO outfalls, and off-line storage structures. Describe the hydraulic capacities of the collection and treatment systems, the storage capacities of the collection and treatment systems, and off-line storage capacity.

e. Have in place operating procedures that reflect the best use of the system's flow and routing controls to minimize CSOs. Includes procedures to identify and correct combined sewer system (CSS) and CSO problems.

f. Include logs or other documentation of completed activities and documentation of sewage blockages.

g. Address the location of overflows where O&M is hindered (e.g., structures are under major thoroughfares, railroad yards, or other difficult-to-reach or safety hazard areas).

h. Allocate resources for O&M program implementation, including staffing level and funding, equipment, and training. The permittee shall ensure the availability of trained staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. Each staff member shall receive appropriate training.

The permittee shall allocate adequate funds specifically for operation and maintenance activities.

i. Be effective in reducing the number, frequency, and pollutant loadings of CSOs.

2. Provide for the maximum use of the collection system for storage of wet weather flow prior to allowing overflows. The permittee shall maximize the in-line storage capacity. The permittee shall keep records to document implementation.

The permittee shall maintain all dams or diversion structures at their current heights (as of the date of permit issuance) or greater unless Ohio EPA has approved alternate settings.

3. Review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows; or if there is no pretreatment program, review and modify local programs to minimize the impact of nondomestic discharges from combined sewer overflows.

The permittee shall implement appropriate controls to minimize CSO impacts resulting from nondomestic discharges. The permittee shall keep records to document this evaluation and implementation of the selected CSO controls to minimize CSO impacts resulting from nondomestic discharges.

The permittee shall maintain information about industrial users up-pipe of each CSO, such as name and address of the facility, SIC code, pollutants discharged to the sewer system, and any history of problems associated with their discharge. This shall include any measures taken to minimize or eliminate discharge through CSOs of pollutants associated with the industries.

4. Maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities

The permittee shall operate the collection system and treatment plant to treat the maximum flow during wet weather flow conditions/events and deliver all flows to the treatment plant within the constraints of the capacity of the treatment plant and collection system. The permittee shall keep records to document these actions.

5. Prohibit dry weather overflows

Dry weather overflows from CSO outfalls are prohibited. All dry weather overflows must be reported to the Ohio EPA within one (1) day of when the permittee becomes aware of a dry weather overflow. When the permittee detects a dry weather overflow, the permittee shall begin corrective action immediately. The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated. The permittee shall record in an inspection log book dry weather overflows, as well as the cause, corrective measures taken, and the dates of beginning and cessation of overflow.

6. Control solid and floatable materials in the combined sewer overflow discharge The permittee shall implement measures to control solid and floatable materials in CSOs.

The permittee shall not discharge any floating debris, oil, grease, scum, foam, or other objectionable materials that may result in amounts sufficient to be unsightly or otherwise objectionable.

The permittee shall not discharge settleable solids, sediments, sludge deposits, or suspended particles that may coat or cover submerged surfaces.

7. Conduct necessary inspection, monitoring and reporting of CSOs

The permittee shall regularly monitor CSO outfalls to effectively characterize CSO impacts and the effectiveness of CSO controls.

8. Implement pollution prevention programs that focus on reducing the level of contaminants in CSOs.

The permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters. The permittee shall keep records to document pollution prevention implementation activities. These can include:

Street sweeping and catch basin modification or cleaning at an appropriate frequency to prevent large accumulations of pollutants and debris

A public education program that informs the public of the permittee's local laws that prohibit littering

An oil recycling program.

Information on industrial users up-pipe of each CSO and any measures taken to minimize or eliminate discharge through CSOs of pollutants associated with the industries.

9. Implements a public notification program for areas affected by CSOs, especially beaches and recreation areas.

The permittee shall keep records documenting public notification.

Within 6 months of the effective date of this permit, the permittee shall install and maintain identification signs at all CSO outfalls owned and operated by the permittee. The permittee must place the signs at or near the CSO outfalls and ensure that the signs are easily readable by the public. Each sign shall identify that the outfall may discharge sewage during wet weather. A contact telephone number for the permittee shall be on the sign. If the outfall sewer is submerged, the sign shall indicate this.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily load" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

"Daily concentration" means the arithmetic average of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Weekly load" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

"Weekly concentration" means the arithmetic average of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Monthly load" is the total discharge by weight during all days in a calendar month divided by the number of days that the facility was in operation during that month. If only one sample is taken during the month the weight of pollutant discharge calculated from it is the monthly load. If more than one sample is taken during the month, the monthly load is calculated by determining the daily load for each day sampled, totaling the daily loads for the month and dividing by the number of days sampled.

"Monthly concentration" means the arithmetic average of all the determinations of daily concentration made during any calendar month. If only one sample is taken during the month, its concentration is the monthly concentration for that period. Coliform bacteria limitations compliance 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.

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 may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Enforcement Section ES/MOR
P.O. Box 1049
Columbus, Ohio 43216-1049

Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. 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 below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature 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 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, 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 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 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. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. 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 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

3. The permittee submitted notices as required under paragraph D. of this section,

B. 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.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;
2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or
3. Any upset which exceeds any effluent limitation in the permit.
4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

B. For the telephone reports required by Part 12.A., the following information must be included:

1. The times at which the discharge occurred, and was discovered;
2. The approximate amount and the characteristics of the discharge;
3. The stream(s) affected by the discharge;
4. The circumstances which created the discharge;
5. The names and telephone numbers of the persons who have knowledge of these circumstances;
6. What remedial steps are being taken; and
7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discovery of the discharge and/or noncompliance and submitted to the appropriate Ohio EPA district office. The report shall include the following:

1. The limitation(s) which has been exceeded;
2. The extent of the exceedance(s);
3. The cause of the exceedance(s);
4. The period of the exceedance(s) including exact dates and times;
5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).

D. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such 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 instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit 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 screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

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 nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

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

26. UPSET

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

27. SEVERABILITY

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

28. SIGNATORY REQUIREMENTS

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

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

29. OTHER INFORMATION

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

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

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

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

30. NEED TO HALT OR REDUCE ACTIVITY

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

31. APPLICABLE FEDERAL RULES

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

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

APPENDIX D

Long Term Control Plan - Separation of Combined Sewers

The City shall implement the following program to separate all of its combined sewer system as five projects:

Project 1 – North Ironton

This project will eliminate the Nash and First Street CSO (Outfall 004) and the Orchard Street CSO (Outfall 018). The project comprises approximately 23,500 feet of 36-inch and smaller diameter storm sewers. A detailed map of the sanitary and storm sewer separation is in Appendix D-1. The sewer separation project shall be constructed in accordance with the following schedule:

Commence Project Design	January 31, 2009
Approval of Design and Project Bidding	December 31, 2011
Award of Construction Contracts	May 31, 2012
Start of Construction	July 31, 2012
Completion of Construction	December 31, 2013

Project 2 – North Fifth and Elm Street

This project will eliminate the North Fifth Street CSO (Outfall 011). The project comprises approximately 3,200 feet of 36-inch diameter and smaller storm sewers. A detailed map of the sanitary and storm sewer separation is in Appendix D-2. The sewer separation project shall be constructed in accordance with the following schedule:

Commence Project Design	January 31, 2012
Approval of Design and Project Bidding	July 31, 2013
Award of Construction Contracts	May 31, 2014
Start of Construction	July 31, 2014
Completion of Construction	December 31, 2015

Project 3 – Mastin Avenue / South Ironton

This project will eliminate the Mastin Avenue CSO (Outfall 010). The project comprises approximately 3,400 feet of 36 to 60-inch and 1,700 feet of 36-inch diameter and smaller storm sewers. A detailed map of the sanitary and storm sewer separation is in Appendices D-3 and D-4. The sewer separation project shall be constructed in accordance with the following schedule:

Commence Project Design	August 31, 2013
Approval of Design and Project Bidding	December 31, 2015
Award of Construction Contracts	May 31, 2016
Start of Construction	July 31, 2016
Completion of Construction	December 31, 2017

Project 4 – Walnut to Madison Street / South Ironton

This project will reduce and ultimately eliminate the Walnut Street CSO (Outfall 009). The project comprises approximately 1,400 feet of 36 to 60-inch and 8,900 feet of 36-inch diameter and smaller storm sewers. A detailed map of the sanitary and storm sewer separation is in Appendices D-3. The sewer separation project shall be constructed in accordance with the following schedule:

Commence Project Design	January 31, 2017
Approval of Design and Project Bidding	December 31, 2019
Award of Construction Contracts	May 31, 2020
Start of Construction	July 31, 2020
Completion of Construction	December 31, 2023

Project 5 – Madison Street to WWTP / South Ironton

This project will eliminate the Walnut Street CSO (Outfall 009), Mill Street CSO (Outfall 017), Etna Street CSO (Outfall 008), and Hecla Street CSO (Outfall 007). The project comprises approximately 6,300 feet of 36 to 60-inch and 4,500 feet of 36-inch diameter and smaller storm sewers. A detailed map of the sanitary and storm sewer separation is in Appendices D-2 and D-3. The sewer separation project shall be constructed in accordance with the following schedule:

Commence Project Design	January 31, 2020
Approval of Design and Project Bidding	December 31, 2022
Award of Construction Contracts	May 31, 2023
Start of Construction	July 31, 2023
Completion of Construction	December 31, 2026

Appendix D-1



Piping Legend

- Sanitary Sewer
- Combination Sewer
- Storm Sewer
- Proposed Separated Storm



Nash St. CSO

Orchard St. CSO

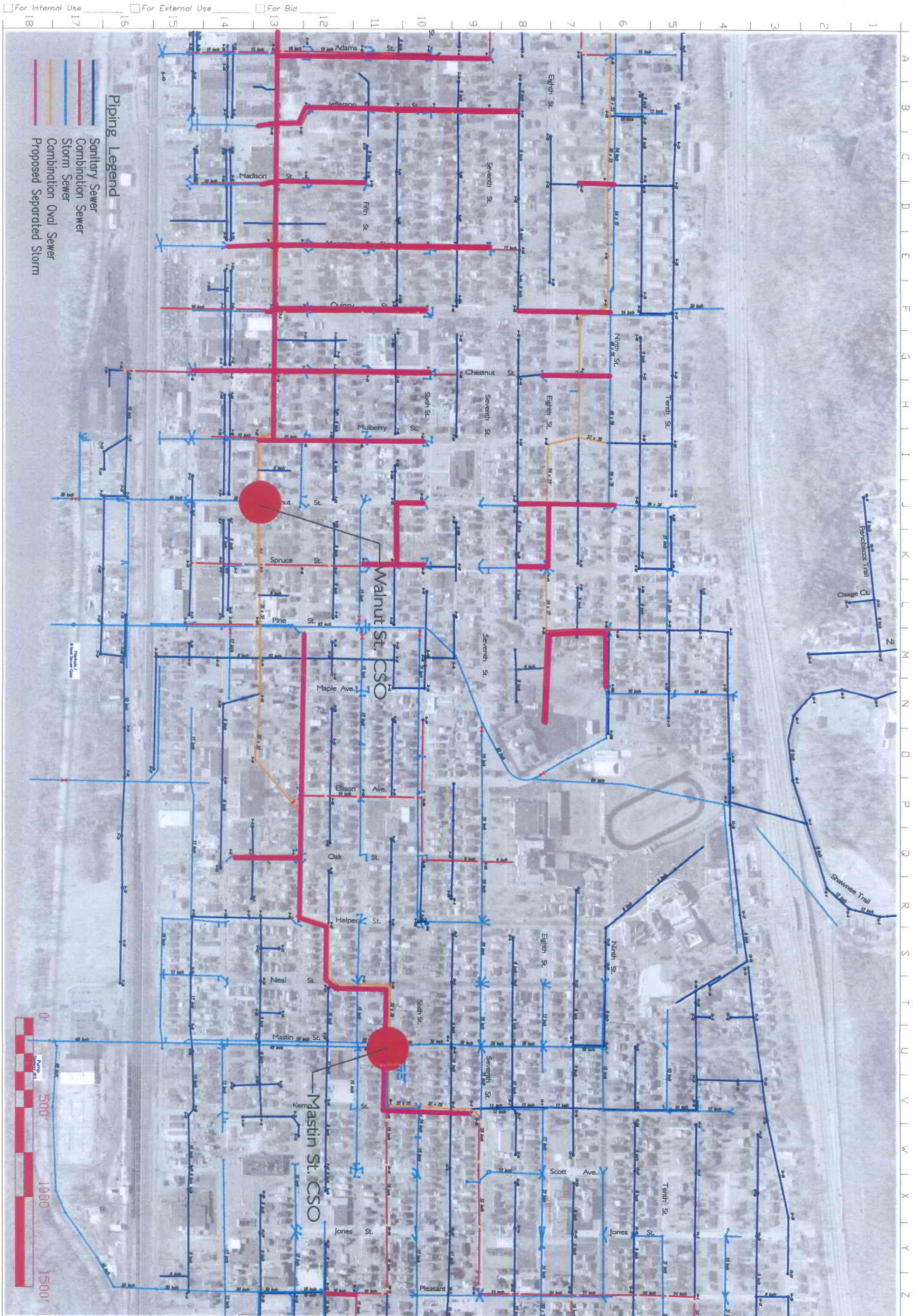
Date	
Drawn By	
Designed By	
Approved By	
Scale	
Contract No.	
Sheet No.	1 of 4

E.L.ROBINSON Engineering Co. of Ohio
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Proposed Sanitary/Storm Separation

Revisions	

Appendix D-3



Date:	
Drawn by:	
Designed by:	
Approved by:	
Scale:	
Contract No.:	
Sheet No.:	3 of 4

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Proposed Sanitary/Storm Separation

Revisions	

Appendix D-4



For Internal Use
 For External Use
 For Bid

Piping Legend

- Sanitary Sewer
- Combination Sewer
- Storm Sewer
- Combination Ovd. Sewer
- Proposed Separated Storm



Date:	
Drawn by:	
Designed by:	
Approved by:	
Scale:	
Contract No.:	
Sheet No.:	4 of 4

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Proposed Sanitary/Storm Separation

Revisions	