

A.1 Discharge Limitations and Monitoring Requirements: Projects utilizing waters of the State as source waters.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s):

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements Measurement Frequency</u>	<u>Sample Type</u>
	<u>(Quantity) lbs/day</u>	<u>Other Units (specify)</u>	<u>Max Daily</u>		
Flow	N/A	N/A	Monitor	1/discharge	**
Oil and Grease	N/A	N/A	Monitor	1/discharge	***
Total Suspended Solids	N/A	N/A	Monitor	1/discharge	***

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also, See B.1.

** The total amount of water discharged shall be reported.

*** See B.2.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the pipeline segment undergoing hydrostatic testing.

This discharge shall comply with Appendix A.1. MANAGEMENT CONDITIONS: Appendix A.1.12 Water Quality.

A.2 Discharge Limitations and Monitoring Requirements: Projects utilizing chlorinated potable water supply as source water with a discharge to trout waters.

During the period beginning effective date of permit * and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s):

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	<u>Avg. Monthly</u>	<u>(Quantity) lbs/day</u> <u>Max Daily</u>	<u>Other Units (specify)</u> <u>Ave. Monthly</u> <u>Max Daily</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	N/A	N/A	Monitor	1/discharge	**
Oil and Grease	N/A	N/A	Monitor	1/discharge	***
Total Suspended Solids	N/A	N/A	Monitor	1/discharge	***
Total Residual Chlorine	No Chlorinated Discharge Allowed			1/discharge	Grab

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also, See B.1.

** The total amount of water discharged shall be reported.

*** See B.2.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the holding pond or dechlorination unit, as applicable.

This discharge shall comply with Appendix A.1. MANAGEMENT CONDITIONS: Appendix A.1.12 Water Quality.

A.3 Discharge Limitations and Monitoring Requirements: Projects utilizing chlorinated potable water supply as source water with discharge to Warmwater fisheries.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s):

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

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	(Quantity) lbs/day Avg. Monthly	Max Daily	Other Units (specify) Avg. Monthly	Measurement Frequency	Sample Type
Flow	N/A	N/A	N/A	1/discharge	**
Oil and Grease	N/A	N/A	N/A	1/discharge	***
Total Suspended Solids	N/A	N/A	Monitor	1/discharge	***
Total Residual Chlorine	N/A	N/A	Monitor	1/discharge	***
			11	1/discharge	Grab

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also, See B.1.

** The total amount of water discharged shall be reported.

*** See B.2.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the pipeline segment undergoing hydrostatic testing.

This discharge shall comply with Appendix A.1. MANAGEMENT CONDITIONS: Appendix A.1.12 Water Quality.

A.4 Discharge Limitations and Monitoring Requirements: Projects utilizing chlorinated potable water supply as source water with discharge to Public A waters.

During the period beginning effective date of permit and lasting through midnight expiration date of permit, the permittee is authorized to discharge from Outlet Number(s): *

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	<u>(Quantity) lbs/day</u>	<u>Other Units (specify)</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Sample Type</u>
Flow	N/A	N/A	MGD	1/discharge	***
Oil and Grease	N/A	N/A	mg/1	1/discharge	***
Total Suspended Solids	N/A	N/A	mg/1	1/discharge	***
Chloroform	N/A	N/A	µg/1	1/discharge	***

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMR's. Also, See B.1.

** The total amount of water discharged shall be reported.

*** See B.2.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge from the pipeline segment undergoing hydrostatic testing.

This discharge shall comply with Appendix A.1. MANAGEMENT CONDITIONS: Appendix A.1.12 Water Quality.

SECTION B: OTHER REQUIREMENTS

1. DWWM utilizes an online permit application system called the Electronic Submission System (ESS). New applications for permit coverage, applications for renewal of permit coverage, and applications for modifications to existing permit coverage must be submitted using the proper forms (Hydrostatic Testing Water - Site Registration Application) via ESS <https://apps.dep.wv.gov/eplogin.cfm>. Each form submitted via ESS must be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

All parts of the Hydrostatic Testing Water - Site Registration Application shall be completed, along with required attachments. Required information shall include, but not limited to, Name of Company, Owner, Operator, Project Location, contact information, Source Streams and Receiving Streams, Latitude and Longitude of discharges, total volume of discharge, and approximate date of discharge, and include attachment of an approved Sediment and Erosion Control Plan and topographic maps of discharge locations.

Applicants for new discharges shall submit completed Site Registration Application, and appropriate application fee, at least 45 days before date of planned discharge. If a permit registration needs to be reissued, the permittee shall submit reissuance application within 30 days of receiving the reissuance packet notification.

Applicants will receive notification of approval to discharge from DWWM via email notification and/or approval letter. Discharge is not allowed until issuance of permit registration, and receipt of approval from DWWM.

2. Each segment of pipeline tested, which results in a separate discharge, shall be considered as an individual outlet. Projects comprising numerous outlets may be eligible for representative outlet designation, which may result in a reduction in the number of outlets requiring monitoring. This designation shall be evaluated on a case-by-case basis.
3. The samples collected for analysis of Total Suspended Solids and Chloroform shall consist of three (3) equal volume grab samples composited into one (1) sample. The initial grab sample shall be taken within fifteen (15) minutes of the discharge. The second sample shall be taken at least fifteen (15) minutes after the initial grab and at least fifteen (15) minutes before the final grab. For discharges of less than forty-five (45) minutes duration, initial and final grab samples only shall be collected and composited. For Oil & Grease, a grab sample shall be collected within the first fifteen (15) minutes of discharge. The results shall be reported in the appropriate sections of the DMR, which is to be submitted electronically using DEP's Electronic Submission System (ESS).
4. At least seven (7) days prior to commencing any discharge, the permittee shall notify the appropriate Regional Office of Environmental Enforcement (EE) per the following list of Counties:

Northwest Region – (304) 368-3960

Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia, Pleasants, Ritchie, Taylor, Tyler, Upshur and Wetzel

Wheeling Satellite Office – (304) 238-1220

Brooke, Hancock, Marshall, and Ohio

SECTION B: OTHER REQUIREMENTS (Continued)

Northeast Region – (304) 822-7266

Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Pocahontas, Preston, Randolph, and Tucker

Southwest Region – (304) 926-0470

Boone, Cabell, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, and Wayne

Parkersburg Satellite Office – (304) 420-4635

Calhoun, Gilmer, Jackson, Roane, Wirt, and Wood

Southeast Region – (304) 574-4471

Braxton, Clay, Fayette, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Raleigh, Summers, Webster, and Wyoming

Environmental Enforcement shall be apprised of the date, time, and precise location of the discharge.

5. The Sediment and Erosion Control Plan (SECP) submitted with the site registration form shall become an enforceable part of this permit once coverage is granted under this permit. The SECP shall specify the measures to be taken to control the Total Suspended Solids in the discharge. The SECP may be changed or amended only upon submission of an amended plan and approval from the Division of Water and Waste Management (DWWM).
6. It is recognized that this general permit continues to be in the developmental stage and its limitations, standards and conditions will be reviewed by the Director at the time of reissuance, or earlier if necessary, for possible revisions. Based upon that review, such revisions may be more, or less, stringent than the limitations, standards and conditions contained in this general permit.
7. The permittee shall promptly notify the DWWM in writing of the completion of the hydrostatic testing project and of compliance with the requirements of the Sediment and Erosion Control Plan. Coverage under this general permit shall automatically terminate upon receipt of this notification. Failure to submit this notice may result in the assessment of additional annual permit fees. This notice shall also, in addition to written notification, be attached to the e-DMR submitted through the ESS.
8. Facilities Discharging to 303(d) Streams
Permittees discharging pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this general permit unless the permit conditions of this general permit are consistent with the assumptions and requirements of such TMDL. Therefore, the permittee must submit an NPDES application to the West Virginia Department of Environmental Protection for coverage under an individual NPDES permit. The permittee should consult with the State TMDL authority to confirm if his/her facility is subject to an approved TMDL.

DWWM maintains a list of approved TMDLs on its website. Interested parties can find reports, lists, and the integrated report by visiting:

https://dep.wv.gov/wwe/watershed/wtr_reports/pages/water_reports.aspx

SECTION B: OTHER REQUIREMENTS (Continued)

9. Endangered and Threatened Species

For new discharges, the permittee shall perform an investigation to determine whether its discharge will impact any federally endangered and/or threatened species, including critical habitat. If a site discharges to a stream where a federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service for a determination that requirements of the Federal Endangered Species Act are met.

10. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal

The use of biocides, or other additives in the hydrostatic testing water may result in the requirement to obtain an individual permit. Also, discharges into Karst areas, Source Water Protection Areas and/or high-quality streams may result in the requirement to obtain an individual permit. These issues will be evaluated on a case-by-case basis during review of the facility permit application.

11. A facility permit registration will be considered as an individual permit if the coverage of a specific individual facility is the subject of an appeal in accordance with Chapter 22, Article 11, Section 21 of the West Virginia Code. Any subsequent action taken as result of the appeal will only affect the specific subject facility.
12. This permit shall be promptly modified or revoked and reissued to conform to any effluent standard or limitation issued if an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2) and/or 307(a)(2) of the Clean Water Act, and that effluent standard or limitation:
1. Contains different conditions or is otherwise more stringent than any effluent limitation in this permit, or
 2. Controls any pollutant not limited in the permit; or
 3. Requires reassessment due to change in 303(d) status of water body; or
 4. Incorporates the results of any TMDL allocation, which may be approved for the receiving water body.
13. Total Residual Chlorine (TRC) self-monitoring and compliance evaluations shall be performed as follows:
- a. The permittee shall use EPA-approved (or accepted) analytical methods that are sensitive enough to determine compliance with calculated permit effluent limitations. Examples of acceptable methods that meet the method detection limit (MDL) requirements are:
 - HACH ULR Chlorine Residual DPD Colormetric Method 10014 (Published MDL of 2 ug/l)
 - HACH Chlorine Amperometric Back Titration Method 10025 (Published MDL of 6 ug/l).

SECTION B: OTHER REQUIREMENTS (Continued)

- b. The calculated permit effluent limitations for TRC in most current circumstances are not quantifiable using EPA approved (or accepted) analytical methods. An interim minimum level (IML) is calculated when a method-specified minimum level does not exist. The IML is approximately equal to 3.18 times the lab-specified MDL. Based upon current knowledge and technology, the Division has determined that an interim minimum level of 100 ug/l shall be used as the compliance evaluation level for TRC.
 - c. Matrix interference precludes most of the State's certified WWTP laboratories from achieving the published MDL as specified and also precludes the Division from determining compliance with the calculated permit effluent limitations for TRC. Based upon data collected concerning lab-specific MDLs by the Division from a number of the State's certified WWTP laboratories, it has been determined that a WV-specified MDL for TRC should be established at 32 ug/l.
 - d. When actual analytical results are greater than or equal to 32 ug/l, the permittee shall report these actual analytical results on the Discharge Monitoring Report (DMR). The permittee shall report "less than (<) 32 ug/l" on the DMR when results are less than the WV-specified MDL.
 - e. When calculating averages of analytical result values, the permittee shall use the actual analytical Result when these results are greater than or equal to 32 ug/l. Additionally, when calculating averages of analytical result values, the permittee shall use zero (0) when the actual analytical result obtained is less than 32 ug/l.
14. Due to concerns with the potential transfer of invasive species and/or waterborne viruses, parasites and bacteria that are known to cause or may cause disruption to the aquatic community, applicants using source water from a water of the state must discharge the hydrostatic test water back to the original water source. If discharge back to the original water source is impracticable, then one of the following options must be selected
- A: land apply the discharge in such a manner that it cannot directly contact surface waters; or
 - B: disinfect the water prior to discharge.

If either of Options A or B above are chosen as the disposal method, the applicant must include with the permit application a land application disposal or disinfection plan detailing how prevention of undesirable transfers will be accomplished. Upon approval, the process described in the application shall become a term and condition of this permit.

15. If water for hydrostatic testing is to be derived from waters of the state, withdrawals shall only be made during times when stream flow is sufficient to support both aquatic life and the withdrawal. During periods of active withdrawal, the permittee shall **daily** consult and document the recommendation from DEP's Water Withdrawal Guidance Tool. This documentation shall be maintained by the permittee and made available for inspection. Withdrawals should only be taken when the tool indicates that it is safe by the statement "it should be safe to withdraw from any stream in the area protection of aquatic life and best professional judgment must still be used when making withdrawals, as the tool cannot account for all localized conditions and may not react to the withdrawal dependent on its proximity to the stream gage. However, the tool does provide useful information on general stream flow adequacy to assist the permittee when making withdrawal decisions. The tool may be found at the following link:
<https://www.dep.wv.gov/WWE/wateruse/Pages/WaterWithdrawal.aspx>

SECTION B: OTHER REQUIREMENTS (Continued)

16. The discharge shall not cause or materially contribute to distinctly visible floating or settable solids, suspended solids, scum, foam, or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life; distinctly visible color; algae blooms or concentrations of bacteria which may impair or interfere with the designated uses of the affected waters, requiring an unreasonable degree of treatment for the production of potable water by modern water treatment processes as are commonly employed and any other condition, including radiological exposure which adversely alters the integrity of the waters of the state; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable West Virginia water quality standards, Requirements Governing Water Quality Standards 47 CSR 2 (Appendix A.1. Management Conditions: Appendix A.1.12 Water Quality).
17. The Director reserves the right to impose more stringent discharge limitations or additional restrictions, if necessary, to maintain the water quality integrity and the designated uses of the receiving water bodies.
18. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application, or limited or monitored for, in the permit.
19. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
20. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

The herein-described activity is to be constructed or installed, and operated, used, and maintained strictly in accordance with the terms and conditions of this permit, with any plans, specifications and information submitted with the individual site registration application form, with any plan of maintenance and method of operation thereof submitted and with any applicable rules and regulations promulgated by the Director of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with any plans, specifications and information submitted, and with any plan of maintenance and method of operation thereof submitted shall constitute grounds for the revocation or suspension of this permit to any individual establishment or other person and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11, or 15 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Articles 11 and 12 and/or 15 of the Code of West Virginia and is transferable under the terms of Section 11 of Article 11.

By:  _____
Katheryn Emery, P.E.
Director

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

- a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension, or revocation; or for denial of a permit renewal application.
- b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- c) Systems unable to achieve compliance may be required to replace or add additional treatment components.

2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit within thirty (30) days of receipt of the reissuance package. Since the permittee is registered for coverage under a general permit, this agency will notify the permittee regarding permit reissuance at the appropriate time.

3. Duty to Mitigate

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

4. Permit Actions

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

5. Property Rights

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

6. Signatory Requirements

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

7. Transfers

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

8. Duty to Provide Information

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

9. Other Information

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

10. Inspection and Entry

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

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

11. Permit Modification

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

12. Water Quality

This discharge shall not cause or materially contribute to distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; distinctly visible color which may impair or interfere with the designated uses of the affected waters; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable West Virginia water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

13. Outlet Markers

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

I. MANAGEMENT CONDITIONS (Continued)

14. Liabilities

- a) Any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day of such violation as provided in W. Va. Code § 22-11-22. Any person who willfully or negligently violates permit conditions is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both, as provided in W. Va. Code §22-1124.
- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both, in accordance with W. Va. Code § 22-11-24.d). Nothing in 14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.
- d) In addition to 14.a), 14.b), and 14.c) of this Appendix, the authority provided by Clean Water Act section 309, which sets out enforcement criteria and penalties for violations of the Act, and 40 CFR Part 19, which provides for the adjustment of civil monetary penalties for inflation is applicable to violations of this permit.

15. Oil and Hazardous Substance Liability

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

16. Outlet Accessibility

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

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

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

17. Continuation of this general permit

If this general permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 47 CSR 10 and remain in force and effect. If you were authorized to discharge under this general permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this general permit until the earliest of:

- A) Your authorization for coverage under a reissued general permit or a replacement of this general permit following your timely and appropriate submittal of a complete application requesting authorization to discharge under the new general permit and compliance with the requirements of the new permit; or
- B) Your submittal of notification that the facility has ceased operations; or
- C) Issuance or denial of an individual permit for the facility's discharge; or
- D) A formal permit decision by DWWM not to reissue this general permit, at which time DWWM will identify a reasonable time period of covered dischargers to seek coverage under an alternative general permit or individual permit. Coverage under this permit will cease at the end of this time period.

II. OPERATION AND MAINTENANCE:

1. Proper Operation and Maintenance

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

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

3. Bypass

a) Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.

- c) (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass;
- (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.

d) Prohibition of bypass

- (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The permittee submitted notices as required under II.3.c) of this permit.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

4. Upset

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset.
 - (2) The permitted facility was at the time being properly operated.
 - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
 - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Installation of Appropriate Treatment Not a Defense

It shall not be a defense for a permittee in noncompliance with applicable effluent limitations to claim that the appropriate minimum treatment was installed as required in Section A, C and D of this permit. Sewage treatment systems shall incorporate design criteria that will achieve assigned effluent limits during all normal seasonal or climatic conditions of the year.

6. Removed Substances

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

III. MONITORING AND REPORTING

1. Representative Sampling, Sample Type and Sampling Period

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the retention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a grab sample may be taken at any time within 24 hours from the beginning of rainfall. For all other discharges, samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1-inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impractical, a sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impractical.
- c. The permittee shall sample in accordance with the measurement frequency prescribed for a Treatment Category. Quarterly measurement frequency periods shall be established as January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, and October 1st through December 31st.
Permittee's semi-annual sampling and reporting date is determined by the date coverage under the general permit was issued and/or reissued. The sampling period will begin in the following month of when the registration was issued and/or reissued. For example, if permit coverage was issued in February, the sampling period would be March through August, and then September through February.

2. Reporting

- a) Permittee shall submit each reporting period, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Section A analytically determined to be in the effluent(s). DMR submissions shall be made in accordance with the terms contained in Section G of this permit.
- b) The required DMRs must be submitted electronically unless otherwise approved by the agency in writing.
- c) All DMRs regardless of whether you are reporting quarterly or semi-annually and regardless of whether submitting electronically or via paper shall submit no later than 25 days following the end of the sampling period.

3. Test Procedures

- a. Samples shall be taken, preserved, and analyzed in accordance with the latest edition of 40 CFR Part 136, unless another test procedures have been specified elsewhere in this permit. Total residual chlorine is to be tested on-site.
- b. All analyses performed on solids shall be analyzed in accordance with analytical methods listed in U.S. Environmental Protection Agency analytical procedure SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.
- c. Any commercial laboratory used for analyzing samples required by this permit must be certified in accordance with Chapter 22, Article 1, Section 15.

4. Recording of Results

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

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

5. Additional Monitoring by Permittee

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

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least five (5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

7. Definitions

- a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
- b) "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c) "Maximum daily discharge limitation" means the highest allowable daily discharge.
- d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- e) "Grab Sample" is an individual sample collected in less than 15 minutes.
- f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.

III. MONITORING AND REPORTING (Continued)

- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.
- i) The "daily average fecal coliform" bacteria is the geometric average of all samples collected during the month.
- j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- k) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- l) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.
- m) "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- n) "CWA" means Clean Water Act or the Federal Water Pollution Control Act.
- o) "Director" means the Director of the Division of Water and Waste Management, Department of Environmental Protection, or their designated representative.
- p) "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
- q) "Salt Piles" means the commercial storage of common salt (sodium chloride).
- r) "Section 313 water priority chemicals" means a chemical or chemical categories which are:
 - (1) Are listed at 40 CFR 372.65 pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
 - (2) Are present at or above threshold levels at a facility subject to SARA Title III, section 313 reporting requirements; and
 - (3) That meet at least one of the following criteria: (i) Area listed to appendix D of 40 CFR part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) Are listed as a hazardous substance pursuant to Section 311 (b)(2)(A) of the CWA at 40 CFR 116.; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
- s) "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
- t) "Site Registration Application Form" means the form(s) designed by the Director for the purpose of making application for coverage under a general permit.
- u) "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the CWA (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).
- v) "Storm Water" means storm water runoff, snow melt runoff and surface runoff and drainage.
- w) "Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the industries covered under this permit, the term includes, but is not limited to storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites, refuse sites, sites used for the application or disposal of process wastewater (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of the storm water regulations (40 CFR Part 122.26), material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above-described areas.
- (x) "Trout Streams" means any waters which meet the definition of Section 2.18 of 46 CSR1.
- (y) "Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.
- (z) "25-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 25 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
- (aa) "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

IV. OTHER REPORTING

1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

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

2. Immediate Reporting

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

3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47 of the West Virginia Legislative Rules; or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV, Section 2 of this Appendix.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c) In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Director in writing as soon as they know or have reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, or any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) One hundred micrograms per liter (100 ug/l);
 - (B) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitro phenol; and for 2-methyl 4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (C) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.9 of Series 10, Title 47.
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47;
 - (2) That any activity has occurred or will occur which would result in any discharge (on a non-routine or infrequent basis) of a toxic which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) Five hundred micrograms per liter (500 ug/l);
 - (B) One milligram per liter (1 mg/l) for antimony.
 - (C) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.7 of Series 10, Title 47;
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47.
 - (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.
 - (4) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

4. Other Noncompliance

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

**EMERGENCY RESPONSE SPILL ALERT SYSTEM
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

REQUIREMENTS:

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

RESPONSIBILITY FOR REPORTING:

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

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

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

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

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

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

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

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

WHO TO CONTACT:

Notify the following number: **1-800-642-3074**

INFORMATION NEEDED:

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