



STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304-2345
GENERAL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT

Permit No.: WV0078743

Issue Date: June 1, 2017

Subject: Industrial Wastes

Effective Date: July 1, 2017

Vehicle Washing Establishments

Expiration Date: May 31, 2022

Supersedes: WV0078743

Issued: June 19, 2012

To whom it may concern:

This is to certify that any facility operating a vehicle washing establishment with discharge(s) to the waters of the State and agreeing to be regulated under the terms of this general permit and who has satisfied the registration requirements and who has not been required by the Division of Water and Waste Management to apply for an individual WV/NPDES permit, except for discharges to trout waters, is hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to acquire, construct, install, modify, operate and maintain a disposal system for the direct discharge of treated industrial wastes (treated wash/rinse water) into the waters of the State.

This permit is subject to the following terms and conditions:

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

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

(Continued on Page 2)

A.1. Discharge Limitations and Monitoring Requirements (Facilities which discharge less than 1,500 gpd)

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) 001 (Treated Wastewater) Minimum technology must be provided for the wastewater as required in Section B.10. of this permit. (See Drawing "A" on page 9 of 10 of this permit.)

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

<u>Effluent Characteristic</u> Flow	<u>Discharge Limitations</u>			<u>Other Units (Specify)</u>	<u>Monitoring Requirements</u>	
	<u>(Quantity) lbs/day</u>	<u>Max. Daily</u>	<u>Avg. Monthly</u>			<u>Measurement Frequency</u>
Total Suspended Solids	N/A	N/A	N/A	60	1/year	grab
BOD-5 (influent)**	N/A	N/A	N/A	Monitor	1/year	grab
BOD-5 (effluent)	N/A	N/A	N/A	Monitor	1/year	grab
Chlorides	N/A	N/A	Monitor	365	1/year	grab
Oil and Grease	N/A	N/A	N/A	15	1/year	grab
Total Phosphorous	N/A	N/A	Report Only	Report Only	1/year	grab

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

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

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 001 - at the discharge from the multi-media filter to the receiving stream.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.2. Discharge Limitations and Monitoring Requirements (Facilities which discharge 1,500 gpd or more)

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) 001 (Treated Wastewater) Minimum technology must be provided for the wastewater as required in Section B.10. of this permit. (See Drawing "A" on page 9 of 10 of this permit.)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Other Units (Specify)</u>	<u>Monitoring Requirements</u>	
	<u>(Quantity) lbs/day</u>	<u>Avg.Monthly</u>	<u>Max. Daily</u>		<u>Measurement</u>	<u>Sample Type</u>
Flow	N/A	N/A	N/A	N/A	MGD	1/6 Months estimated
Total Suspended Solids	N/A	N/A	N/A	60	mg/l	1/6 Months grab
BOD-5 (influent)**	N/A	N/A	N/A	Monitor	mg/l	1/6 Months grab
BOD-5 (effluent)	N/A	N/A	N/A	Monitor	mg/l	1/6 Months grab
Chlorides	N/A	N/A	Monitor	365	mg/l	1/6 Months grab
Oil and Grease	N/A	N/A	N/A	15	mg/l	1/6 Months grab
Total Phosphorous	N/A	N/A	Report Only	Report Only	mg/l	1/6 Months grab

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

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

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/6 months by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 001 - at the discharge from the multi-media filter to the receiving stream.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

B. OTHER REQUIREMENTS

1. At least one (1) representative sample of the facility effluent shall be collected and analyzed for the regulated pollutant parameters for the appropriate monitoring periods of each discharge. The permittee shall submit electronically, each reporting period, per the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents analytically determined to be in the treatment facility effluent. A copy of the facility Maintenance Log will be attached to the electronic DMRs. The required DMRs shall be submitted electronically, via the Electronic Submission System (ESS) to the Division of Water & Waste Management by each respective due date.
2. All required monitoring and reporting shall be submitted electronically to the Division of Water & Waste Management within 20 days of the end of the reporting period. Additional information pertaining to effluent monitoring and reporting can be found in Section III of Appendix A of this permit.
3. This permit will be considered as an individual permit if the coverage of a specific individual facility is the subject of an appeal in accordance with Chapter 22, Article 11, Section 21 of the West Virginia Code. Any subsequent action taken as a result of the appeal will only affect the specific subject facility.
4. 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 act 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 as to when the coverage under this general permit shall terminate.
5. 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.

B. OTHER REQUIREMENTS (Continued)

6. For coin operated or other fee generating establishments only:

Should a publicly owned treatment work and sewerage system become available and be able to handle the wastewater from this facility, such wastewater shall be connected to the publicly owned treatment works within three (3) months of availability. However, prior to this connection, the permittee shall obtain written permission from the municipal or public service district sewage system authority that will receive the waste.

7. Solids and other material removed from the treatment units are to be disposed of in a manner approved by the WVDEP as to prevent pollution to waters of the State. On site land application of solids or other materials is strictly prohibited.
8. The permittee shall post a warning prohibiting the patrons from washing vehicles that contain residue of toxic chemicals (fertilizers, pesticides, organic chemicals, solvents, etc.) into the wastewater treatment system. The warning signs shall be posted in a highly visible area inside each wash bay. The warning signs shall be maintained to ensure that they remain legible.
9. 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.
10. Each applicant for coverage under this general permit shall submit a Groundwater Protection Plan (GPP) for review by the Division of Water and Waste Management. Said plan shall be in compliance with the requirements of 47 CSR Series 58 of the West Virginia Code and Section 301 of the CWA. The GPP shall be submitted concurrently with the site registration application form.
11. The permittee should provide treatment for the wastewater from the vehicle wash that meets the design requirements listed below. Alternate treatment technology may be approved for use if adequate data can be submitted to verify waste reduction.
 - A. Each vehicle wash bay should contain a grit trap at least 2' X 3' by 18" deep.
 - B. The sedimentation/separation tank should be large enough to hold the average three (3) days flow. The volume of the tank can be determined by multiplying the length (in feet) by the width (in feet) by the depth (in feet) by 7.48 (gallons/cubic foot). [Example: A tank 18' long, 5' wide and 5' deep has a capacity = 18' X 5' X 5' X 7.48 = 3366 gallons. Therefore, if the average daily flow is not expected to exceed 1100 gallons per day, this tank should be adequate.]

B. OTHER REQUIREMENTS (Continued)

- C. The multi-media filter should contain a minimum of 100 square feet of surface area and have a minimum overall depth of 4 feet. To determine the size of the filter needed, you can use this formula: $\text{Area of filter} = \text{Flow (gallon/day)} \div 20 \text{ (gallon/day/square foot)}$. [Example: Flow Rate = 2000 gallon/day. Area = 2000 gallon/day divided by 20 (gallon/day/square foot) = 100 square foot.] To facilitate cleaning of the filter, consideration should be given to utilizing dual filters. This will be especially helpful for vehicle washes with high daily flow rates and/or for transportation companies that wash their fleet of trucks. Proposed facilities shall enclose the multi-media filter in such a manner to prevent a discharge to groundwater (existing facilities see Section B.16.).
- D. Any vehicle-washing establishment determined by this Agency to be located within karst areas must also provide, in addition to the above requirements, carbon filtration treatment for the waste stream.

See Drawing A, page 9 of 10 for an example drawing of typical treatment technology employed for vehicle washing.

12. Maintenance Requirements:

A maintenance program must be adhered to if proper operation of this facility is to be accomplished. The maintenance log included with each permit registration shall be kept and must be available at all times for review by the Division of Water and Waste Management. A copy of the maintenance record for the prior six (6) months shall be submitted to the Division of Water and Waste Management along with the DMR report required in Section B.16. of this permit.

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

- A. In-bay grit traps - Inspected daily and cleaned as needed, but not less than once per week;
- B. Multi-chamber Sedimentation/Separation Tank - Inspected monthly. Oil and grease to be removed as needed to maintain proper operation. Solids should be handled in the same manner (also see Condition B.5.);
- C. Multi-media filter - The filter shall be replaced as necessary to maintain compliance with the discharge limitations and monitoring requirements contained in Section A. of this permit;
- D. Major Maintenance - This work to be done as required. Major maintenance would include such items as repairs to individual treatment units, replacing damaged pipes and overhauling the filter when flow through has diminished to the point that overflow may occur.

B. OTHER REQUIREMENTS (Continued)

13. The treatment system shall be protected from physical damage by the maximum expected ten (10) year flood level.
14. Any facility proposing to perform engine degreasing as part of the vehicle washing operation must utilize additional means to control the amount of oil and grease entering the treatment system and/or being discharged from the system. This may include the placement of oil sorbent booms or pads in the in-bay grit traps and at the outlet from the treatment system. Failure to properly utilize additional means could result in the revocation of coverage under this general permit and the initiation of all appropriate enforcement actions.
15. Provisions for minimum treatment technology;
 - A. Any new facilities wishing to be covered for vehicle washing under this General Permit are required to comply with WV antidegradation requirements. To comply with these requirements, the required minimum treatment technology or other approved technology (BMPs) must be implemented and in place prior to any discharge. These facilities are also subject to public notice requirements.
 - B. For any existing facilities that may not have treatment, or may have inadequate treatment, the required minimum treatment technology or other approved technology must be installed within ninety (90) days after the site registration application has been approved by this agency.
16. Permittees with "uncontained" multi-media filters (filters that are not enclosed in concrete, metal or sealed block containers) will be required to either enclose the filters or perform additional monitoring. The permittee shall monitor for priority pollutant metals and BETX (benzene, ethylbenzene, toluene and xylene) at a frequency of once per 6 months.
17. Vehicle washing establishments (except coin operated car washes), may be required to obtain coverage for stormwater discharges under the general WV/NPDES Stormwater Permit. The determination will be based on the review of the operations and the information in the site registration application. The permittee may instead choose to obtain an individual WV/NPDES Permit.
18. Facilities Discharging to 303(d) Streams
Permittees discharging Section A 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. The permittee should consult with the State or EPA TMDL authority to confirm if his/her facility is subject to an approved TMDL. If the discharge cannot comply with the requirements of the TMDL, the permittee must submit an NPDES application to the DEP for coverage under an individual WV/NPDES permit.

B. OTHER REQUIREMENTS (Continued)

19. **Endangered and Threatened Species**

If a site discharges to a stream where a federally endangered or threatened species or their habitats are present, the applicant should contact the US Fish & Wildlife Service to ensure that requirements of the Federal Endangered Species Act are met.

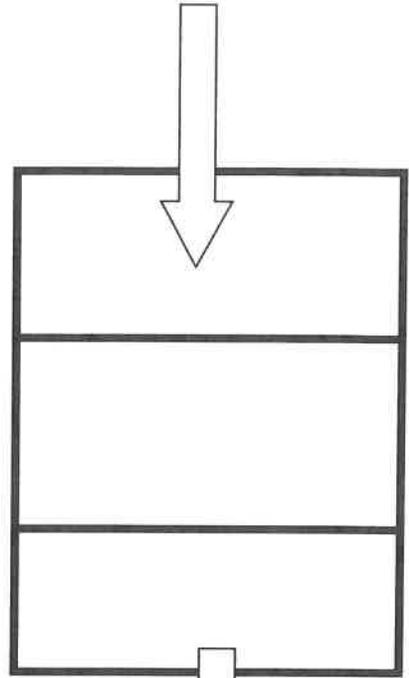
20. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property.
21. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application, or limited or monitored for in the permit.
22. The DEP 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.
23. Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used. The permittee may not report the result as zero (-0-), "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).
24. Permittees discharging to a Municipal Separate Storm Sewer System (MS4) must obtain written approval from the municipal authority.
25. This permit does not authorize the discharge of domestic sewage.
26. The filter media shall be coarse media such as silica sand, Black Beauty, graded bottom ash from coal-fired power plants, or other media approved by the DWWM. Filter media shall have a uniformity coefficient of less than 4.0 and less than four percent (4%) fines passing a one hundred (100) sieve size, with an effective particle size of 0.3 to 1.0 mm in diameter.

27. **Incidental Vehicle Washing**

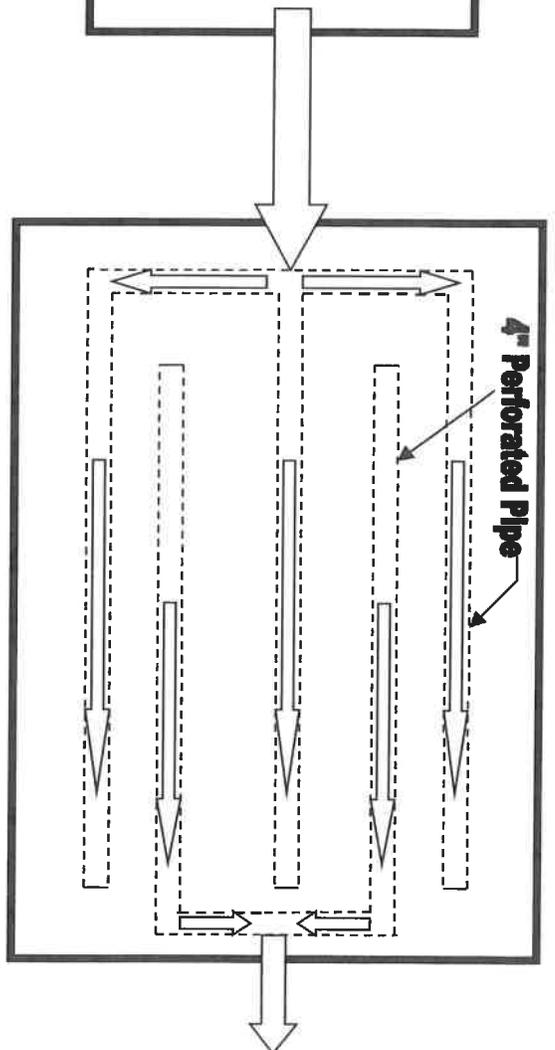
If a facility uses a regular pressure hose to rinse dirt/dust off vehicles without using any soap or other cleaning products, then coverage under this permit is not required. The discharge from the use of a high-pressure washer or any soap or other cleaning products must be covered under this general permit. If erosion or other site-specific problems occur due to the incidental vehicle washing, then a permit may be required on a case-by-case basis.

“Drawing A”

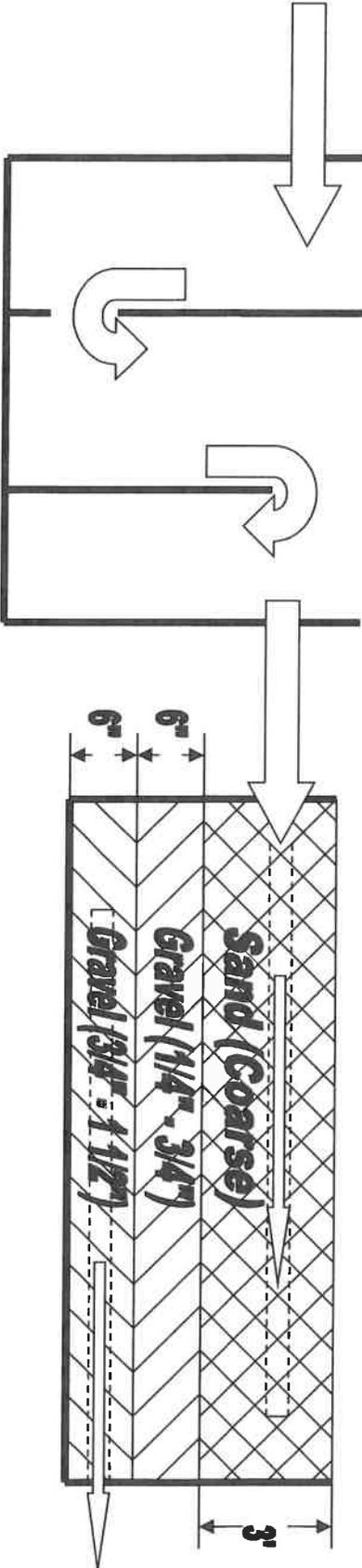
**Sedimentation/Separation
Tank**



Multi-Media Filter



Cross Section



Typical Treatment Technology Employed For Carwashes

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 Article 11, Chapter 22 of the Code of West Virginia.

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

BY: 

Scott G. Mandirola
Director

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

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

5. Property Rights

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

6. Signatory Requirements

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

7. Transfers

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

8. Duty to Provide Information

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

9. Other Information

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

10. Inspection and Entry

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

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

11. Permit Modification

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

12. Water Quality

The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Department of Environmental Protection.

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.

14. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a 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 by both fine and imprisonment.

- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both fine and imprisonment.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both fine and imprisonment.
- d) Nothing in I.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

15. 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.

16. 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 includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems that 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 that causes them to become inoperable, or substantial and permanent loss of natural resources that 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 ten (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 © The permittee submitted notices as required under II.3.c) of this permit.

- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

4. Upset

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

5. Removed Substances

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

6. 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 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.

III. MONITORING AND REPORTING:

1. Representative Sampling, Sample Type and Sampling Period

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity and during normal operations. "Grab" samples are required for all regulated pollutant parameters.

2. Reporting

- a) Permittee shall submit electronically as required, 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 B of this permit.
- b) Enter reported average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter, as appropriate.
- c) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding).
- d) Specify frequency of analysis for each parameter as number of analyses/specified period (e.g., 3/month is equivalent to 3 analyses performed every calendar month). If continuous, enter "Cont.". The frequency listed on format is the minimum required.
- e) All DMRs regardless of whether submitting electronically or via paper shall be submitted no later than 20 days following the end of the sampling period.

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

3. Test Procedures

- a. Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit. 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 III.6.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the 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.
- 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) "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.
- j) "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.
- k) "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.
- l) "CWA" means the Clean Water Act.
- m) "Secretary" means the Secretary of the Department of Environmental Protection or person to whom the Secretary has delegated authority or duties pursuant to W. Va. Code §22-1-6.
- n) "Director" means the Director of the Office of Water Resources, Division of Environmental Protection or their designated representative.
- o) "Facility Registration Application Form" means the form(s) designated by the Director for the purpose of making application for coverage under a general permit.
- p) "Trout Streams" means any waters, which meet the definition of Section 2.19 of 46 CSR1.

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

3. Reporting Requirements

- a) **Planned changes.** The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility, which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants, which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.
- b) **Anticipated noncompliance.** The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

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 | |