

WRD 1A-82  
Revised 06/14



STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
601 57<sup>th</sup> Street, SE  
CHARLESTON, WV 25304

**GENERAL**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**WATER POLLUTION CONTROL PERMIT**

**Permit No.:** WV0107000

**Issue Date:** July 1, 2014

**Subject:** Sewage Treatment and Disposal  
Systems of Domestic Sewage Only  
(600 GPD or less, serving  
only individual residences and  
certain commercial establishments)

**Effective Date:** July 31, 2014

**Expiration Date:** June 30, 2019

**Supersedes:** WV/NPDES General Water  
Pollution Control Permit No. WV0107000  
Issued June 1, 2009

**To whom it may concern:**

This is to certify that any entity to be regulated under the terms and conditions of this general permit, and who has satisfied the registration requirements and has been assigned a treatment category, is hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to install, operate, and maintain a disposal system for the direct discharge of treated sewage into the waters of the State.

**This permit is subject to the following terms and conditions:**

The information submitted on and with the Facility Registration/Application Form is hereby incorporated with like effect as if all such information was set forth herein, and the conditions set forth in Sections A, B, C, and Appendix A, and the conditions set forth in the site approval coverage letter.

The validity of this permit is contingent upon the system being maintained by a certified operator and following all terms and conditions of this permit.

**Section A. Discharge Limitations and Monitoring Requirements**

Permittees must provide adequate treatment technologies in order to comply with the prescribed effluent limitations of their assigned treatment category and the allowed maximum daily flow.

(continued)

**A.1 Discharge Limitations - Treatment Category A.1**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Treatment Category A.1 are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristics</u>	<u>Discharge Limitations Other Units (Specify)</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Avg. Monthly</u>	<u>Max. Daily</u>	<u>Instantaneous Maximum</u>		
Flow		600 GPD		1/Year*	Estimated
Biochemical Oxygen Demand	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Total Suspended Solids	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Fecal Coliform	200 counts 100 ml	400 counts 100 ml	500 counts 100 ml	1/Year*	Grab

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units.

Facilities subject to Treatment Category A.1 are required to provide an extended aeration “package” sewage treatment plant or equivalent units. Disinfection shall be accomplished through the use of chlorination or an ultraviolet disinfection system.\*

\*See Section B.3

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 - Treatment Category A.2**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Treatment Category A.2 are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristics</u>	<u>Discharge Limitations Other Units (Specify)</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Avg. Monthly</u>	<u>Max. Daily</u>	<u>Instantaneous Maximum</u>		
Flow		600 GPD		1/Year*	Estimated
Biochemical Oxygen Demand	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Total Suspended Solids	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Fecal Coliform	200 counts 100 ml	400 counts 100 ml	500 counts 100 ml	1/Year*	Grab
**Total Residual Chlorine	28 µg/l	57 µg/l	70 µg/l	1/Year*	Grab

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units.

Facilities subject to Treatment Category A.2 are required to provide an extended aeration “package” sewage treatment plant or equivalent units. Disinfection shall be accomplished through the use of chlorination and dechlorination or an ultraviolet disinfection system.

\* See Section B.3.

\*\* See Section B.10.

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

**A.3 Discharge Limitations - Treatment Category B**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Treatment Category B are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u> <u>Other Units (Specify)</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Avg. Monthly</u>	<u>Max. Daily</u>	<u>Instantaneous Maximum</u>		
Flow		600 GPD		1/Year*	Estimated
Biochemical Oxygen Demand	5 mg/l	10 mg/l	12.5 mg/l	1/Year*	Grab
Total Suspended Solids	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Fecal Coliform	200 <u>counts</u> 100 ml	400 <u>counts</u> 100 ml	500 <u>counts</u> 100 ml	1/Year*	Grab
Dissolved Oxygen	Not less than 6.0 mg/l at any given time			1/Year*	Grab
**Total Residual Chlorine	28 µg/l	57 µg/l	70 µg/l	1/Year*	Grab
Ammonia, Nitrogen	3 mg/l	6 mg/l	7.5 mg/l	1/Year*	Grab

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units.

Facilities subject to Treatment Category B are required to provide an extended aeration "package" sewage treatment plant or equivalent unit and additionally an approved media filter capable of achieving the discharge limitations. Disinfection shall be accomplished through the use of chlorination and dechlorination or an ultraviolet disinfection system. Post aeration of the final effluent is required, if necessary. Ultraviolet disinfection is strongly recommended for systems discharging to trout streams.

\* See Section B.3.

\*\* See Section B.10.

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.4 Discharge Limitations - Treatment Category C**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, permittees who have been assigned to Treatment Category C are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristics</u>	<u>Discharge Limitations Other Units (Specify)</u>			<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Avg. Monthly</u>	<u>Max. Daily</u>	<u>Instantaneous Maximum</u>		
Flow		600 GPD		1/Year*	Estimated
Biochemical Oxygen Demand	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Total Suspended Solids	30 mg/l	60 mg/l	75 mg/l	1/Year*	Grab
Fecal Coliform	200 counts 100 ml	400 counts 100 ml	500 counts 100 ml	1/Year*	Grab

The pH shall not be less than 6.0 standard units and not more than 9.0 standard units.

Facilities subject to Treatment Category C are required to provide a media filter. Disinfection shall be accomplished through the use of an ultraviolet disinfection system.

\*See Section B.3.

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

**Section B. OTHER REQUIREMENTS:**

1. Permit Registrations covered under this General Permit will have Co-Permittees, a homeowner and a maintenance provider. Neither permittee (owner or contractor) shall cancel the maintenance contract without prior approval from the Division of Water and Waste Management. If the maintenance contractor wishes to make a motion to terminate his or her maintenance contract with the owner, a Release Request form shall be sent to this office for approval of such termination. This form must state the specific reason that the termination of the contract is being requested. If the owner wishes to get a maintenance contract with another service provider then they shall submit a transfer form and contract with the new provider. At the discretion of the Division of Water and Waste Management, approval may be granted and notification given.
2. Each quarter, or more frequently if needed, the maintenance contractor shall inspect and service the facility. Those systems covered under Category C may reduce the minimum required service visits to once every 6 months. If the system fails to maintain compliance they may be required to increase the frequency of service. Within 7 days upon completion of each inspection, a copy of the completed inspection form shall be mailed to the homeowner and to the agency at Division of Water & Waste Management, Permitting Section, 601 57<sup>th</sup> Street, S.E., Charleston, WV 25304. When an electronic reporting data base becomes available the contractor will be required to report inspections via the electronic system.
3. Within the first year after issuance of the permit registration approval, at least one (1) representative sample of the facility effluent shall be collected and analyzed for the regulated pollutant parameters. The monitoring results shall be submitted electronically, according to the enclosed format, via a Discharge Monitoring Report (eDMR). The required DMRs shall be submitted 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.
  - a. If analytical monitoring results are not within given Monitoring Limitation assigned to the registration, at least one (1) representative sample will be collected each year until the effluent meets Monitoring Limitations.
  - b. If the analytical results are compliant with the Monitoring Limitations, no further monitoring is required during the permit term.
4. The permittee shall connect to a municipal or public service district sewage collection system when one becomes available.
5. This permit authorizes the treatment of only domestic sewage from households and certain commercial businesses. The treatment of any industrial wastes, including waters from commercial car washes and laundries, or the treatment of wastes from food service operations is expressly prohibited.
6. At the discretion of the Division of Water and Waste Management, permittees that fail to properly operate and maintain their sewage disposal system, as required by this permit, may be required to attend all appropriate training courses deemed necessary to ensure proper operation.
7. This permit will be considered as an individual permit if the coverage of a specific individual facility is the subject of an appeal in accordance with Chapter 22, Article 11, Section 21 of the West Virginia Code. Any subsequent action taken as result of the appeal will only affect the specific subject facility.
8. All sewage treatment facilities authorized coverage under this permit shall remove sewage sludge from their system only by a certified septage hauler. The system shall be pumped by a certified hauler within 30 days of notification by the maintenance contractor that it is necessary. The system shall be pumped when the mixed liquor solids exceed 5,000 mg/l or when the solids exceed 60% of the volume as determined by a 30 minute settleometer (jar) test or other method recommended by the manufacturer. A copy of the receipt from the certified hauler shall be retained for 5 years.
9. Available sampling methods for total residual chlorine (TRC) are currently not sensitive enough to confirm compliance with the permit limitations imposed. TRC samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136. The permittee shall use and EPA Approved Method with at least a method detection level (MDL) of 100 ug/l. Any TRC sampling result reported as less than the MDL stated above shall be assumed to confirm compliance for purposes of permit compliance. Should a more sensitive EPA approved method become available for field analysis of TRC, the permittee shall perform TRC self-monitoring in accordance with the new method. If the new method is not sensitive enough to determine compliance with specified TRC limits, analytical results reported as "not detected" at the MDL of the new method will be deemed compliant for purposes of permit compliance.

## Section B. OTHER REQUIREMENTS (Continued)

10. All treatment systems must provide for disinfection of the effluent. Facilities registered under Treatment Categories A.2 and B of this permit that utilize chlorination for disinfection, must also provide for dechlorination of the effluent prior to final discharge. Discharges to Trout Streams will be subject to limitation of Zero Total Residual Chlorine. **Therefore, the use of ultraviolet disinfection is recommended for a facility that discharges to a trout stream.**
11. 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 permittees 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 or EPA TMDL authority to confirm if his/her facility is subject to an approved TMDL.
12. If a site discharges to a stream where a federally endangered or threatened species or its habitat is present, the applicant(s) should contact the US Fish and Wildlife Service to insure that requirements of the Federal Endangered Species Act are met.
13. Only chlorine tablets approved for use in disinfection of wastewater shall be utilized. Permittees are strictly prohibited from using chlorine tablets designed for use in swimming pools.
14. For systems installed after July 1, 2009, the chlorine contact chamber shall be visible and accessible for inspection and cleaning. Unless the system provides flow equalization to meet peak flows, the minimum size for the chlorine contact chamber shall be 25 gallons. Design of chlorine contact tanks shall be to minimize short-circuiting of flow. There shall be over and under or end-around baffling provided as per 64CSR47 Section 5.15.f.3 of the West Virginia Legislative Rules.
15. When the treatment system is installed and serviced, a tag, provided by the contractor, shall be attached to the system, or displayed within 2 feet of the system, in a readily accessible manner. The tag shall be constructed of a weatherproof material, or other means provided to protect the tag from weather related damage. The tag shall show the name of the service contractor, the date (m/d/y) of the most recent visit by the service contractor and the initials of the person conducting the service. Separate tags for each service visit, or a multi-visit tag, may be utilized. Tags shall remain in place for one year from the date of the last service shown. Tags shall list the WVG41xxxx registration number assigned to the permittee.
16. Appendix A, Section I. Management Conditions, Item 15 does not apply to existing facilities registered under this general permit prior to March 31, 2004.
17. The lid of the system shall not be buried. It shall be accessible for inspecting and maintaining the system. The WVG registration number shall be permanently inscribed on the lid of the system.
18. Facilities without daily use such as seasonal homes, vacation homes and churches shall only be covered under this permit if they are proposing the use of a media filter.
19. Systems shall be installed as per the configuration presented for NSF testing. All appurtenances, materials and attachments, of the same model and construction used during testing, shall be included in each installation. A trash tank shall be included in circumstances recommended by manufacturer. A method for Flow Equalization shall be included with all new systems, possibly including aeration in the flow equalization, in order to more consistently control the flow of sewage to the HAU.
20. The discharge pipe shall be marked in a permanent manner with the WVG41xxxx registration number assigned to the permittee. Said marking must be affixed to the pipe itself, so as to distinguish it from other pipes, existing or future, which may terminate at the same location.
21. The use of a garbage disposal with a system covered under this permit is strictly prohibited.
22. If utilizing UV disinfection, all manufacturers recommended maintenance shall be performed at each service visit, at the frequency specified by the permit registration. At a minimum, this shall include removal, inspection and cleaning of the UV bulb assembly. The bulb shall be replaced at the manufacturer recommended interval or earlier if it is determined that the lamp is no longer delivering enough UV light to properly disinfect the waste water. The UV unit must include a built in sensor mechanism to sense that UV disinfection is operating properly. These sensors must be properly connected to either a dedicated alarm, or to the alarm provided for the HAU or media filter. There shall be an electrical disconnect for the UV unit in an accessible location on the exterior of the dwelling to allow for service and inspection of the system at all times.

## **Section B. OTHER REQUIREMENTS (Continued)**

23. It is recognized that this general permit continues to be in 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.
24. All wiring and electrical connections must conform to manufacturer's recommendations as well as applicable federal, state and local codes.
25. A plan to use clustered home aeration units serving individual residences, whether or not they are then connected to a common sewer line, will not receive approval.
26. Proposed wastewater treatment facilities must meet the requirements as described in their Permit to Construct issued by the Bureau for Public Health as a term of compliance with this General Permit, including the requirement for new construction projects to discharge to a Blue-Line stream.
27. Any proposed wastewater treatment facility that will discharge to a Roadside Ditch must include some type of effluent media filter.
28. Any proposed wastewater treatment facility for New Construction with a discharge within the Chesapeake Bay drainage area must receive a WLA and must provide for Offsets of Nutrients (Nitrogen and Phosphorous) before permit registration approval. This applies to discharges located in the following counties: Berkeley; Grant; Hampshire; Hardy; Jefferson; Mineral; Morgan and Pendleton. Also, part of eastern Preston and a small section of Tucker (north of Thomas) are included.
29. Permittees adding sewage collection system extensions or hook-ups beyond what is described in the original registration application or an approved modification of the registration will be subject to civil and/or criminal penalties
30. 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.
31. 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.
32. 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.
33. 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 and 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.

## **Section C. SEWAGE SLUDGE MANAGEMENT REQUIREMENTS**

1. All sewage treatment and disposal systems authorized coverage under this permit shall remove sewage sludge from their system only by a certified septage hauler.
2. Should permittees choose to use any sewage sludge disposal method other than the method listed in item 1 above, they must obtain prior approval of that method by the Director of this Division.
3. Upon authorization of coverage under this permit, the permittee shall have fulfilled the requirements of Section II.5 of Appendix A of this Permit with respect to the sludge generated by the wastewater treatment facilities permitted herein and compliance with the terms and conditions of the approved Sewage Sludge Management Practices shall become incorporated herewith.
4. The permittee shall maintain all records and reports of all monitoring required by this permit for five (5) years after the date of monitoring or reporting. Records should include copies of all required reports; and records of all data used to complete these reports.



The herein described activity is to be extended, modified, added to, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; with all plans and specifications previously submitted with Facility Registration Application Form or individual permit application; with a plan of maintenance and method of operation thereof; and with any applicable rules and regulations promulgated by the State Environmental Quality Board and the Director of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with the plans and specifications previously submitted with Facility Registration Application Form or individual permit application, and with a plan of maintenance and method of operation thereof shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia.

BY:  \_\_\_\_\_

Scott G. Mandirola  
Director

# Appendix A

## I. MANAGEMENT CONDITIONS:

### 1. Duty to Comply

- (a) The permittee(s) 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; such as suspension or revocation of permit followed by possible civil or criminal action.
- (b) The permittee(s) 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(s) wish to continue an activity regulated by this permit after the expiration date of this permit, the Permittee(s) must apply for a new permit within thirty (30) days of receipt of the reissuance package. Since the permittee(s) is registered for coverage under a general permit, this agency will notify the permittee(s) regarding permit reissuance at the appropriate time.

### 3. Duty to Mitigate

The permittee(s) 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(s) 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 registration application forms, 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. Duty to Provide Information

The permittee(s) 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 permittees shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

### 8. Other Information

Where the permittee(s) becomes aware that they failed to submit any relevant facts in a facility registration application form, or submitted incorrect information in a facility registration application form or in any report to the Director, they shall promptly submit such facts or information.

### 9. Inspection and Entry

The permittee(s) 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) Samples 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 locations.

### 10. 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.

### 11. 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.

### 12. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both fine and imprisonment.

## **I. MANAGEMENT CONDITIONS (Continued):**

- 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 B.12.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.

### **13. 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(s) and incorporate such other requirements as may be necessary. The permittee(s) shall notify the Director in writing of the new property owner's name, mailing address and phone number within 10 days of the sale of the property.

### **14. 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.

### **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 dechlorination.

### **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(s) 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(s) to achieve compliance with the conditions of the permit. For domestic waste treatment facilities, waste water treatment operators (Class H or Class I thru IV) as classified by the WV Bureau for Public Health Regulations authorized under Chapter 16, Article 1, Public Health Laws, Code of West Virginia, will be required. Systems unable to achieve permit limits may be required to upgrade.

### 2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee(s) 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 this 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(s) may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of II.3.c) and II.3.d) of this permit.

- c) (1) If the permittee(s) 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(s) 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(s) for bypass, unless;
  - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate 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(s) 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 upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of C.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(s) 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(s) can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated.
- (3) The permittee(s) submitted notice of the upset as required in IV.2.b) of this permit.
- (4) The permittee(s) complied with any remedial measures required under I.3 of this permit.

d) Burden of proof. In any enforcement proceeding, the permittee(s) seeking to establish the occurrence of an upset has the burden of proof.

### 4. Installation of Appropriate Treatment Not a Defense

It shall not be a defense for a permittee(s) 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.

## II. OPERATION AND MAINTENANCE (Continued):

### 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 wastewaters) and which are intended for disposal within the State, shall be disposed of only in a manner and 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(s) 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

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

### 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.

### 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.
- 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.

### III. MONITORING AND REPORTING (Continued):

- 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 CSRI.

### 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 for 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 rules as they pertain to the reporting of spills and accidental discharges.

#### 2. Immediate Reporting

- a) The permittee shall report any non-compliance 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 that 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.2a or 2b 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 that 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 Title 47, Series 10 of the West Virginia Legislative Rules; or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. The notification applies to pollutants that 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 that 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).