



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

**Permit No.:** WV0115754

**Issue Date:** July 19, 2018

**Subject:** Water Treatment Plant &  
Swimming Pool  
Wastewater Disposal Systems

**Effective Date:** August 18, 2018

**Expiration Date:** July 18, 2023

**Supersedes:** General Permit No. WV0115754  
Reissued: July 19, 2013

**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 Limitation Category and who has not been required by the Division of Water & Waste Management to apply for an individual WV/NPDES permit, is hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to acquire, construct, install, operate, and maintain a disposal system or part thereof, for the direct discharge of treated process wastewater 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 other conditions set forth in Sections A, B, C 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.**

**A. Discharge Limitations and Monitoring Requirements**

Permittees must provide adequate treatment technologies in order to comply with the prescribed effluent limitations of their assigned limitation category and the other requirements.

**A.1 Discharge Limitations and Monitoring Requirements - Limitation Category I: Outlet 001 (\*treated discharges into large receiving streams)**

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 Limitation Category I are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>		
	<u>Quantity (lbs/day)</u>	<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max.Daily</u>		
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter Grab
Total Recoverable Aluminum	N/A	N/A	0.75	1.5	mg/l	1/Quarter Grab
Total Recoverable Iron	N/A	N/A	3.7	6.6	mg/l	1/Quarter Grab
Total Recoverable Manganese	N/A	N/A	3.0	4.38	mg/l	1/Quarter Grab
Total Fluoride	N/A	N/A	4.2	6.13	mg/l	1/Quarter Grab
Total Residual Chlorine (TRC)***	N/A	N/A	28	57	µg/l	1/Quarter Grab

\* Instream waste concentration is <10%

\*\* See Section B.5.

\*\*\* See Sections B.3. & B.4.

**The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.**

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

## A.2 Discharge Limitations and Monitoring Requirements - *Limitation Category I-A*: Outlet 001 (treated discharges into \*large trout streams)

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 *Limitation Category I-A* are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>		
	<u>Quantity (lbs/day)</u>	<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>		
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter Grab
Total Recoverable Aluminum	N/A	N/A	0.0712	0.143	mg/l	1/Quarter Grab
Total Recoverable Iron	N/A	N/A	2.45	4.92	mg/l	1/Quarter Grab
Total Recoverable Manganese	N/A	N/A	3.0	4.38	mg/l	1/Quarter Grab
Total Fluoride	N/A	N/A	4.2	6.13	mg/l	1/Quarter Grab
Total Residual Chlorine (TRC)***	N/A	N/A	Zero	Zero	µg/l	1/Quarter Grab

\* Instream waste concentration is <10%

\*\* See Section B.5.

\*\*\* See Sections B.3. & B.4.

**The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.**

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

**A.3 Discharge Limitations and Monitoring Requirements - Limitation Category II: Outlet 001 (treated discharges into \*small receiving streams)**

**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 Limitation Category II are authorized to discharge from the point source. The discharge shall comply with the following:**

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>			
	<u>Quantity (lbs/day)</u>	<u>Other Units (Specify)</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>			
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Recoverable Aluminum	N/A	N/A	0.37	0.75	mg/l	1/Quarter	Grab
Total Recoverable Iron	N/A	N/A	1.2	2.2	mg/l	1/Quarter	Grab
Total Recoverable Manganese	N/A	N/A	1	1.46	mg/l	1/Quarter	Grab
Total Fluoride	N/A	N/A	1.4	2.04	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)***	N/A	N/A	9	18	µg/l	1/Quarter	Grab

\* Instream waste concentration is >10%

\*\* See Section B.5.

\*\*\* See Sections B.3. & B.4.

**The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.**

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

#### A.4 Discharge Limitations and Monitoring Requirements - *Limitation Category II-A*: Outlet 001 (treated discharges into \*small trout streams)

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 *Limitation Category II-A* are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>			
	<u>Quantity (lbs/day)</u>	<u>Other Units (Specify)</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>	
	<u>Avg. Monthly</u>	<u>Max.</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>			
Flow**	N/A	N/A	N/A	Monitor	MGD	1/Quarter	Estimated
Total Suspended Solids	N/A	N/A	30	60	mg/l	1/Quarter	Grab
Total Recoverable Aluminum	N/A	N/A	0.0712	0.143	mg/l	1/Quarter	Grab
Total Recoverable Iron	N/A	N/A	0.8	1.6	mg/l	1/Quarter	Grab
Total Recoverable Manganese	N/A	N/A	1	1.46	mg/l	1/Quarter	Grab
Total Fluoride	N/A	N/A	1.4	2.04	mg/l	1/Quarter	Grab
Total Residual Chlorine (TRC)***	N/A	N/A	Zero	Zero	µg/l	1/Quarter	Grab

\* Instream waste concentration is >10%

\*\* See Section B.5.

\*\*\* See Sections B.3. & B.4.

**The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):** Effluent samples shall be collected at or as near as possible to the point of discharge.

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

**A.5 Discharge Limitations and Monitoring Requirements - Limitation Category III: Outlet 001 (treated discharges from swimming pools)**

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 Limitation Category III are authorized to discharge from the point source. The discharge shall comply with the following:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>		
	<u>Quantity (lbs/day)</u>	<u>Other Units (Specify)</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow*	<u>Avg. Monthly</u> N/A	<u>Max.</u> N/A	<u>Avg. Monthly</u> N/A	<u>Max. Daily</u> Monitor	1/Quarter	Estimated
Total Suspended Solids	<u>Avg. Monthly</u> N/A	<u>Max.</u> N/A	<u>Avg. Monthly</u> 30	<u>Max. Daily</u> 60	1/Quarter	Grab
Total Residual Chlorine (TRC)**	<u>Avg. Monthly</u> N/A	<u>Max.</u> N/A	<u>Avg. Monthly</u> 9	<u>Max. Daily</u> 18	1/Quarter	Grab

\* See Section B.5.

\*\* See Sections B.3. & B.4.

**The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.**

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

**A.6 Discharge Limitations and Monitoring Requirements - *Limitation Category III-A*: Outlet 001 (treated discharges from swimming pools into trout streams)**

**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 *Limitation Category III-A* are authorized to discharge from the point source. The discharge shall comply with the following:**

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>			
	Quantity (lbs/day)	Avg. Monthly	Max.	Avg. Monthly	Max. Daily	Measurement Frequency	Sample Type
Flow*	N/A	N/A	N/A	N/A	Monitor	MGD	1/Quarter Estimated
Total Suspended Solids	N/A	N/A	N/A	30	60	mg/l	1/Quarter Grab
Total Residual Chlorine (TRC)**	N/A	N/A	N/A	Zero	Zero	µg/l	1/Quarter Grab

\* See Section B.5.

\*\* See Sections B.3. & B.4.

**The pH shall not be less than 6.0 standard units and not more than 9.0 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Effluent samples shall be collected at or as near as possible to the point of discharge.**

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

### A.7 Discharge Limitations and Monitoring Requirements - *Limitation Category IV*: Land Application of Filtrate - **No Point Source Discharge**.

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 **Limitation Category IV** are authorized to perform Land Application of solid waste filtrate. There shall be **NO** discharge from a point source to the waters of the State from this activity. The Land Application of WTP Filtrate shall comply with the following:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements		
	Quantity (lbs/day)	Other Units (Specify)	Measurement Frequency		Sample Type	
Flow**	Avg. Monthly	Max.	Avg. Monthly	Max. Daily	Frequency	Type
Arsenic	N/A	None	None	None	*	No Flow
Cadmium	N/A	N/A	N/A	20	*	Composite
Chromium	N/A	N/A	N/A	39	*	Composite
Copper	N/A	N/A	N/A	1000	*	Composite
Lead	N/A	N/A	N/A	1500	*	Composite
Mercury	N/A	N/A	N/A	250	*	Composite
Molybdenum	N/A	N/A	N/A	10	*	Composite
Nickel	N/A	N/A	N/A	18	*	Composite
Selenium	N/A	N/A	N/A	200	*	Composite
Zinc	N/A	N/A	N/A	36	*	Composite
Organic - Nitrogen	N/A	N/A	N/A	2800	*	Composite
Ammonia - Nitrogen	N/A	N/A	N/A	Monitor	*	Composite
Potassium	N/A	N/A	N/A	Monitor	*	Composite
Phosphorus	N/A	N/A	N/A	Monitor	*	Composite
Calcium	N/A	N/A	N/A	Monitor	*	Composite
Magnesium	N/A	N/A	N/A	Monitor	*	Composite
Percent Solids	N/A	N/A	N/A	Monitor	*	Composite
Fecal Coliform	N/A	N/A	N/A	Monitor	*	Composite
	N/A	N/A	N/A	Monitor	*	Composite
				counts/100ml	*	Composite

\* See Section C.17. for measurement frequency.

\*\* Statement of No Flow indicating no discharge from point source to water of the State.

**The pH shall not be less than 6.2 standard units and not more than 7.5 standard units and shall be monitored 1/Quarter by grab samples.**

**Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): No discharge from a point source is allowed in this category. Filtrate composite samples, See Section C.12.**

**This discharge shall comply with Appendix A-1 Management Conditions 1-12.**

## B. OTHER REQUIREMENTS

1. 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.
2. 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.
3. Permittees must provide the following minimum treatment for the wastewater discharge unless the Director determines, based on sufficient recent effluent data submitted by the permittee, that their effluent consistently achieves compliance with the effluent limitations.
  - A. For sediment removal: multiple cell backwash basin/pond/tank (except when the backwash frequency is less than once per day) with adjustable decanting devices, minimum depth of 4-5 feet and surface water deflecting devices. The system must be located above the 25-year flood plain and have means for convenient cleaning.
  - B. For TRC removal: Chemical Dechlorination. Discharges into trout waters must be dechlorinated.
4. Total Residual Chlorine (TRC) samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136. However, if the permittee does not operate a certified wastewater laboratory at the plant site, it still must comply with the instantaneous "Sample Type" requirements. Available sampling methods for field measurement of TRC are currently not sensitive enough to confirm compliance with the permit limitations imposed for the water treatment plants. The permittee shall use an EPA Approved Method with at least a method detection limit (MDL) of 100 µg/l. Any TRC sampling result reported as "non-detected" at this MDL 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 the specified TRC limits, analytical results reported, as "not detected" at the MDL of the new method will be deemed compliant for the purposes of permit compliance.
5. This permit does not contain a discharge flow limitation. However, the permittee shall obtain approval from this Agency for any changes and/or modification to the operations of the water plant or the wastewater treatment facilities that may result in the increase in effluent flow.

**B. OTHER REQUIREMENTS (CONTINUED)**

6. Each facility covered by this permit must have a groundwater protection plan (GPP) approved by this Agency. 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 signed in accordance with Section I.6, Appendix A of this permit and shall be retained on site. If the GPP has been submitted but not yet approved, the permittee must submit any information requested by the Groundwater Program needed to complete the GPP. After approval, the GPP shall be maintained at the site as required. The permittee shall make the approved GPP available, upon request, to the Director or authorized representative. All GPPs required under this permit are considered reports that shall be available to the public under Section 308 (b) of the CWA. If the facility does not currently have an approved GPP, one shall be developed and submitted concurrently with the site registration application form.
7. The permittee shall submit electronically each quarter according to the specified format, a Discharge Monitoring Report (DMR) indicating in terms of concentration the values of the constituents listed in Sections A. At least one (1) representative sample of the facility effluent shall be collected and analyzed for the regulated pollutant parameters and shall be recorded on the appropriate DMR form, for the appropriate monitoring periods of each discharge. The required DMRs shall be submitted electronically, via the Electronic Submission System (ESS) to the DWWM by each respective due date. Additional information pertaining to effluent monitoring and reporting can be found in Section III of Appendix A of this permit.

8. The required eDMRs shall be submitted to the DWWM by each respective due date:

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January 1 - March 31	April 25
April 1 - June 30	July 25
July 1 - September 30	October 25
October 1 - December 31	January 25

9. Facilities Discharging to 303(d) Streams

Permittees discharging pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this general permit, unless the permit conditions of this general permit are consistent with the assumptions and requirements of such TMDL. Therefore, the permittee must submit an NPDES application to the West Virginia Department of Environmental Protection for coverage under an individual NPDES permit. The permittee should consult with the State 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.

10. 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.

11. Any new facilities wishing to be covered for discharge of filter backwash under this General Permit are required to comply with WV antidegradation requirements. In order 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. OTHER REQUIREMENTS (CONTINUED)**

12. This permit shall be promptly modified or revoked and reissued to conform to any effluent standard or limitation issued if an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2) and/or 307(a)(2) of the Clean Water Act, and that effluent standard or limitation:
  1. Contains different conditions or is otherwise more stringent than any effluent limitation in this permit, or
  2. Controls any pollutant not limited in the permit; or
  3. Requires reassessment due to change in 303(d) status of water body; or
  4. Incorporates the results of any TMDL allocation, which may be approved for the receiving water body.
13. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
14. 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.
15. 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.
16. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
17. The effluent limitations contained in Section A.1 and A.2 (Category I and I-A) are calculated using appropriate default mixing factors, 3 or 5, and an assumed Background concentration of 50% of the appropriate Water Quality Standard. Background levels for all pollutants limited in the permit shall be obtained and submitted with the site registration application form. Hardness of the receiving stream shall also be determined and submitted. If the tested Background concentration of any pollutant is higher than the assumed Background concentration, then that facility will not be allowed to utilize a mixing zone, and will not be assigned to either Category I or I-A.
18. Discharges of out-of-season accumulation of swimming pool water must be disinfected prior to release. If chlorine is used for disinfection, de-chlorination shall be required.
19. 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.
20. 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).
21. All permittees shall report disposal of solids to DWWM, regardless of disposal method, from Water Treatment processes via a Filtrate Management Report (Section C.01). Disposal methods other than landfill must be approved by DWWM.

### C. WATER TREATMENT PLANT FILTRATE MANAGEMENT

01. The permittee shall monitor quarterly and report annually on the enclosed Filtrate Management Report form the quality and quantity of filtrate produced. The required Filtrate Management Report shall be submitted electronically, via the Electronic Submission System (ESS) to the DWWM annually by January 25 of the following year. Additional information pertaining to monitoring and reporting can be found in Section III of Appendix A of this permit.
02. The permittee shall provide copies of the annual reports to the county or regional solid waste authority in which the facility or land application site(s) is located.
03. The following methods of sludge disposal shall be used for filtrate generated at the permitted facility upon approval from this Agency:

Land Application: Filtrate shall not be applied in a manner or in an amount that would cause the land application site(s) to exceed the lifetime loading rates as listed on the site registration approval letter.

Fill Material: Filtrate may be used as a fill material to contour grades, as daily cover at a landfill, and/or for other like uses.

Permitted Solid Waste Landfill: Filtrate may be disposed of and/or used for daily cover at an approved landfill.

04. Filtrate shall not be applied to land that has any of the following siting restrictions and/or location standards:
  - a. Land that is frozen, snow covered, or known to be flooded on a regular basis unless the applicant can demonstrate to the Secretary that the land application will not cause runoff into streams or wetlands.
  - b. Land within 50 feet of surface water including any streams, springs, ponds, wetlands, or other collection points for surface water unless the water in the collection point will be treated before being released into a surface water, including but not limited to ponds, ditches, and cells used to treat surface runoff from surface mines or as a phosphorous control material on agricultural sites.
  - c. Land within 200 feet of drinking water supply wells or other private water supply.
  - d. Land within 50 feet of an occupied dwelling.

**C. WATER TREATMENT PLANT FILTRATE MANAGEMENT (CONTINUED)**

- e. Land within 20 feet of a federal or state highway unless the beneficial use includes soil improvement for plantings on West Virginia Department of Transportation or federal highway rights of way and is applied with permission of the applicable state or federal highway authority or fill or grading material on West Virginia Department of Transportation or federal highway rights of way with permission of the applicable state or federal highway authority.
- f. Land within 100 feet of an adjacent property owner's property line, unless written permission is given by the adjacent property owner.
- g. Land from which drainage leads into a sinkhole.
- h. Land that has been tested and determined to have a pH of less than 6.2, unless the pH is adjusted to 6.2 or greater, and provided that the adjustment of pH to 6.2 or greater can be accomplished by the addition of a higher pH filtrate.
- i. Land that has a slope greater than 15 percent.
- j. Land that has a seasonal high groundwater table less than three (3) feet from the surface.
- k. Land that is within 100 feet of a vertical rock outcrop, unless it is shown that the land application will not adversely affect groundwater.
- l. Land where there has been a precipitation event measured at more than 0.25 inches in the previous 24 hours or where there is the expectation that a precipitation event of a like magnitude will occur within 24 hours after application.
- m. Land where the application of filtrate is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat.
- n. Other land determined by the Secretary to be unsuitable for filtrate sludge.

**C. WATER TREATMENT PLANT FILTRATE MANAGEMENT (CONTINUED)**

05. Filtrate shall not be applied to land subsurface that meets any of the following conditions unless approved by the Secretary:
- a. Land within 200 feet of drinking water supply wells or other private water supply.
  - b. Land from which drainage leads into a sinkhole.
  - c. Land that has a seasonal high groundwater table less than 3 feet from the surface.
  - d. Land where the application of filtrate is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat.
  - e. Other land determined by the Secretary to be unsuitable for land application.
06. Filtrate shall not be stored at a land application site for a period longer than one week; except, storage can be allowed for a period not to exceed three months when provisions, approved by the Director of the Division of Water and Waste Management of the Department, are made to prevent leachate runoff to the surface water and/or groundwater.
07. No person shall land apply filtrate except during daylight hours.
08. Areas used for processing, curing, and/or storage of filtrate shall be designed, constructed and operated to prevent release of contaminants to the groundwater and/or surface water. The GPP developed to satisfy the requirements of Condition B.6 shall include measures to address this condition.
09. Filtrate that is land applied or used as fill material shall meet all of the land application requirements. These requirements include, heavy metals limits, abiding by an approved loading rate based on soil analyses, and vector attraction and pathogen requirements, if applicable. Filtrate that is disposed of and/or used for daily cover at an approved landfill shall abide by all requirements of that landfill.
10. U.S. Environmental Protection Agency analytical procedure SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, shall be used to analyze all samples required by this rule.
11. The permittee shall maintain all records and reports of all monitoring required by Section C of this permit for five (5) years after the date of monitoring or reporting. Records should include all sample results, including land application records, including site maps, the landowner agreement, soil sample results, daily and cumulative filtrate loading rate information; copies of all required reports; and records of all data used to complete these reports.
12. The appropriate composite sampling procedures shall be based upon the particular filtrate processing methods used by the permittee. The composite sampling procedures for the various methods are described as follows:
- Belt Press or Vacuum Filter – During the week that the composite sample is obtained, the permittee shall take a minimum of three (3) grab samples during each day of the week that the dewatering system is in operation. These grab samples are to be mixed together and the final sample obtained from the composite. Samples should be collected at a point immediately after the dewatering operation.

**C. WATER TREATMENT PLANT FILTRATE MANAGEMENT (CONTINUED)**

Liquid Filtrate – During the week that the composite sample is obtained, the permittee shall take a representative grab sample from each truck load of filtrate hauled during that week. These grab samples are to be mixed together and the final sample obtained from the composite. Samples should be collected from the filtrate being pumped into the truck or as the filtrate is being discharged from the truck.

Filtrate Drying Beds – During the week that the composite sample is obtained, the permittee shall take a minimum of four (4) grab samples from each bed finished during that week. The grab samples are to be mixed together and the final sample obtained from the composite.

Composting or Stock Piles – The permittee shall obtain a minimum of eight (8) grab samples from the pile of finished product. These grab samples are to be mixed together and the final sample obtained from the composite.

13. Written notification shall be given to the Director within five (5) days of the determination of any non-compliance related to land application of WTP filtrate. A written plan to identify and correct the excursion(s) must be submitted to the Director within sixty (60) days.

14. No single instantaneous grab sample of the final filtrate product shall exceed the values found below as listed in Table 1 of the West Virginia Standards for Beneficial Use of Filtrate from Water Treatment Plants Regulations (Title 33, Series 9).

<u>Metal</u>	<u>Concentration (mg/kg)</u>
Arsenic	20
Cadmium	39
Chromium	1000
Copper	1500
Lead	250
Mercury	10
Molybdenum	18
Nickel	200
Selenium	36
Zinc	2800

15. Filtrate shall not be land applied in a manner or in an amount that will cause the land application site(s) to exceed the maximum soil concentrations for the following heavy metals:

<u>Metal</u>	<u>Concentration (mg/kg)</u>
Arsenic	13.0
Cadmium	2.4
Chromium	290
Copper	92
Lead	85
Mercury	2.4
Molybdenum	4.6
Nickel	83*
Selenium	10
Zinc	290**

\* For sandy to silt loam soils with permeability greater than 2.0 inches per hour, the maximum allowable soil concentration for nickel is 50 mg/kg.

\*\* For those sites with greater than 30% legume species, the maximum allowable soil concentration for zinc is 30 mg/kg for sandy to silt loam soils with permeability greater than 2.0 inches per hour and 200 mg/kg for other soil types.

**C. WATER TREATMENT PLANT FILTRATE MANAGEMENT (CONTINUED)**

16. Should any landowner of a filtrate land application site fail to comply with the terms and conditions pertaining to the landowner under an applicable landowner agreement, the permittee shall immediately contact said landowner and identify the violation causing the noncompliance with said agreement. The permittee shall take all reasonable, escalating enforcement steps, up to and including disallowing further land application of filtrate on the owner's site, in order to keep the landowner compliant with the terms and conditions of said land owner agreement. Also, the permittee shall immediately inform the Agency of any current noncompliance by the owner of a land application site by attaching a written summary of these violations, the cause of each violation, and the steps taken to prevent their recurrence with the submitted Filtrate Management Reports. Should the permittee take all of the enforcement steps outlined above, these actions may be used as a mitigating factor to any enforcement actions taken upon the permittee for the noncompliance by the land application site owners to the terms and conditions of Section C herein. However, the burden of proof in relation to the use of this mitigating factor shall lie exclusively upon the permittee. This condition shall not be used as a mitigating factor to any noncompliance associated with any other sections of this permit, even if said noncompliance is, in whole or in part, caused by the land application site owner.

17. Per 33CSR9, Appendix A, the frequency of monitoring of filtrate specified in Section A.7, Limitation Category IV shall be determined by the amount of filtrate material generated or processed in a 365 day period.

Dry Tons per 365 day period	Frequency of Monitoring
Greater than zero but less than 290.....	Once every 6 months
Equal to or greater than 290 but less Than 15,000.....	Once per Quarter (4 times per year)
Equal to or greater than 15,000.....	Once per Week

Monitoring of filtrate is only required when material is land applied during a specific monitoring period.

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 West Virginia 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:   
\_\_\_\_\_  
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) The permittee shall comply with all the applicable standards and prohibitions established under and Title 33 Series 9 within the time provided in the regulations that established these standards and prohibitions, even if the permit has not yet incorporated the requirements.

### 2. Duty to Reapply

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

### 3. Duty to Mitigate

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

### 4. Permit Actions

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

### 5. Property Rights

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

### 6. Signatory Requirements

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

### 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

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

### 13. Outlet Markers

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

### 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, 308 or 405 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 both.
- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including 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.
- 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 the wastewater treatment system.

### **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, which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

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

### 3. Bypass

#### a) Definitions

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

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

#### c)

- (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 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
  - (C) The permittee submitted notices as required under II.3.c) of this permit.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

### 4. Upset

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

### 5. Removed Substances

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

### III. MONITORING AND REPORTING:

#### 1. Representative Sampling, Sample Type and Sampling Period

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

#### 2. Reporting

- a) Permittee shall submit each quarter, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, the values of the constituents listed in Part 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 25 days following the end of the sampling period.
- f) Permittee shall submit Annually, according to the enclosed format, a Filtrate Management Report indicating in terms of Quantity (dry tons) and Quality (concentrations) of the filtrate produced, and the location of the final disposal. These submissions shall be made in accordance with the terms contained in Section C of this permit.

#### 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.
- 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) "Filtrate or water treatment plant filtrate" means any sludge that results from the treatment of water at a water treatment plant.
- q) "Filtrate Management Report" means the form(s) designated by the Director for the purpose of monitoring and reporting the Quality and the Quantity of filtrate produced by the facilities covered under the general permit.
- r) "Land Application site" means a location where filtrate is sprayed or spread onto the land surface, or incorporated into the soil so that the filtrate can fertilize the crops or vegetation grown in the soil.
- s) "Beneficial Use" means the use of a non-hazardous material for a specific beneficial purpose where it is done in a manner that protects groundwater and surface water quality, soil quality, air quality, human health, and the environment. This may include use as a fertilizer substitute, soil amendment, cover material, fill material, mulch or horticultural product, or other purpose approved by the Secretary.
- t) "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, which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) Any upset which exceeds any effluent limitation in the permit; and
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section shall not relieve a person of compliance with Title 47, Series 11, Section 2.

### **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 |                                       |