



STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION (EPD)

FACT SHEET

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT NO. GAG640000
FILTER BACKWASH DISCHARGES ASSOCIATED WITH WATER TREATMENT PLANT
ACTIVITY WITH SLUDGE HANDLING CAPABILITY

The 1972 amendments to the Federal Water Pollution Control Act (FWPCA, also referred to as the Clean Water Act or CWA) prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Efforts to improve water quality under the NPDES program include reducing pollutants in discharges of filter backwash from water treatment plant activity that employs sludge handling capabilities.

The Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6-.15 provides for the degree of waste treatment required and the uniform procedures and practices to be followed related to the application for issuance, modification, revocation and reissuance, and termination of general permits for the discharge of any pollutant into waters of the State.

General Permit No. GAG640000 authorizes coverage of filter backwash discharges to the waters of the State of Georgia from water treatment plant activities with sludge handling capabilities.

A 30-day comment period will be provided for the general permit, once every five years at the reissuance stage. However, for new and existing water treatment plants submitting NOIs for coverage under the general permit as first time discharges, public notice will be provided on an individual basis. This permit will be valid for a period of five years from the date of issuance.

PERMIT COVERAGE

Coverage under this permit is initiated by submitting a Notice of Intent (NOI). The NOI includes basic information about the facility and the specific waters of Georgia where the discharges occur. Coverage under this permit can be terminated by submitting a Notice of Termination (NOT). An NOT shall be submitted if discharges from the permitted facility cease or a new permittee takes over facility operations. Once a completed NOI or NOT is received, EPD will notify the applicant in writing whether they have received coverage under the general permit or whether coverage has been terminated. NOI and NOT forms are available on EPD's website at <http://epd.georgia.gov/wastewater-mpdes-las-forms>.

PERMIT EFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Parameters	Discharge limitations in mg/L unless otherwise specified		Monitoring Requirements		
	Monthly Average	Weekly Average	Measurement Frequency	Sample Type	Sample Location
Flow (MGD)	Report	Report	One Day/Week	Instantaneous	Effluent
Total Suspended Solids	30	45	One Day/Month	Grab ⁽¹⁾	Effluent
Total Aluminum	Report	Report	One Day/Month	Grab ⁽¹⁾	Effluent
Total Iron	Report	Report	One Day/Month	Grab ⁽¹⁾	Effluent

Parameters	Discharge limitations	Monitoring Requirements		
		Measurement Frequency	Sample Type	Sample Location
pH, Minimum – Maximum (Standard Unit)	6.0 – 8.5	One Day/Month	Grab ⁽¹⁾	Effluent
Total Residual Chlorine (mg/L) ⁽²⁾	Report Daily Maximum ⁽²⁾	One Day/Month	Grab ⁽¹⁾	Effluent

⁽¹⁾ Grab samples taken must be representative of the effluent characteristics.

⁽²⁾ This is a daily maximum limit. Total residual chlorine (TRC) monitoring requirements only apply if chlorine is in use at the facility.

The TRC limit shall be calculated as follows:

$$\text{Dilution Factor} = (7Q_{10} + \text{Facility Design Flow}) / \text{Facility Design Flow}$$

$$\text{Water Quality Standard for TRC in freshwater aquatic organism} = 11 \text{ ug/L} \times \text{Calculated Dilution Factor} = \text{Monthly Average TRC limit.}$$

The limit for TRC shall be the lower of either 0.5 mg/L or the calculated TRC limitation. If the TRC limit calculation is greater than 0.5 mg/L, the permittee will be required to meet the technology-based limit of 0.5 mg/L.

PERMIT REVISIONS

In addition, the draft permit contains revisions from the current permit. The revisions are as follows:

- Part I.A.1.f. Added language for parameters not detected.
- Part I.A.4. Revised Effluent Toxicity and Biomonitoring Rule reference.
- Part I.B. The footnotes have been revised to include the Total Residual Chlorine limit calculation.
- Part I.C.3. Revised to include the requirement of "sufficiently sensitive" test methods.
- Part I.C.9. Removed the Total Residual Chlorine Compliance Schedule as it no longer applies.
- Part II.A.4. Added language for "Other Noncompliance".
- Part II.A.5. Combined Certification requirements for Operator and Laboratory Analyst.
- Part II.B.9. Added language for "Termination of Permit".

PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

Comment Period

The Georgia Environmental Protection Division (EPD) proposes to reissue the General NPDES Filter Backwash Permit subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

Georgia Environmental Protection Division
Wastewater Regulatory Program
2 Martin Luther King Jr. Drive
Suite 1152 East
Atlanta, Georgia 30334

The draft permit is available for review during the comment period at <http://epd.georgia.gov>. In addition, the NOIs, draft permit, and other information are available for review at 2 Martin Luther King Jr. Drive, Suite 1152 East, Atlanta, Georgia 30334, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For additional information, you can contact Gigi Steele in the Wastewater Municipal Permitting Unit at 404-463-1511.

Public Comments

Persons wishing to comment upon or object to the proposed determinations are invited to submit same in writing to the EPD address above, or via e-mail at EPD.comments@dnr.ga.gov, within 30 days of the initiation of the public comment period. All comments received prior to that date will be considered in the formulation of final determinations regarding the application. The NPDES permit number should be placed on the top of the first page of comments to ensure that your comments will be forwarded to the appropriate staff.

Public Hearing

Any applicant, affected state or interstate agency, the Regional Administrator of the U.S. Environmental Protection Agency (EPA) or any other interested agency, person or group of persons may request a public hearing with respect to an NPDES permit application if such request is filed within thirty (30) days following the date of the public notice for such application. Such request must indicate the interest of the party filing the request, the reasons why a hearing is requested, and those specific portions of the application or other NPDES form or information to be considered at the public hearing.

The Director shall hold a hearing if it is determined that there is sufficient public interest in holding such a hearing. If a public hearing is held, notice of same shall be provided at least thirty (30) days in advance of the hearing date. In the event that a public hearing is held, both oral and written comments will be accepted; however, for the accuracy of the record, written comments are encouraged. The Director or a designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements, as deemed appropriate.

Following a public hearing, the Director, unless it is decided to deny the permit, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit.

If no public hearing is held, and, after review of the written comments received, the Director determines that a permit should be issued and that the determinations as set forth in the proposed permit are substantially unchanged, the permit will be issued and will become final in the absence of a request for a contested hearing. Notice of issuance or denial will be made available to all interested persons and those persons that submitted written comments to the Director on the proposed permit.

If no public hearing is held, but the Director determines, after a review of the written comments received, that a permit should be issued but that substantial changes in the proposed permit are warranted, public notice of the revised determinations will be given and written comments accepted in the same manner as the initial notice of application was given and written comments accepted pursuant to EPD Rules, Water Quality Control, subparagraph 391-3-6-.06(7)(b). The Director shall provide an opportunity for public hearing on the revised determinations. Such opportunity for public hearing and the issuance or denial of a permit thereafter shall be in accordance with the procedures as are set forth above.

Final Determination

At the time that any final permit decision is made, the Director shall issue a response to comments. The issued permit and responses to comments can be found at the following address:

<http://epd.georgia.gov/watershed-protection-branch-permit-and-public-comments-clearinghouse-0>

Contested Hearings

Any person who is aggrieved or adversely affected by the issuance or denial of a permit by the Director of EPD may petition the Director for a hearing if such petition is filed in the office of the Director within thirty (30) days from the date of notice of such permit issuance or denial. Such hearing shall be held in accordance with the EPD Rules, Water Quality Control, subparagraph 391-3-6-.01.

Petitions for a contested hearing must include the following:

- a) The name and address of the petitioner;
- b) The grounds under which petitioner alleges to be aggrieved or adversely affected by the issuance or denial of a permit;
- c) The reason or reasons why petitioner takes issue with the action of the Director;
- d) All other matters asserted by petitioner which are relevant to the action in question.

GENERAL PERMIT NO. GAG640000

**State Of Georgia
Department Of Natural Resources
Environmental Protection Division**

**Authorization To Discharge Under The
National Pollutant Discharge Elimination System
Filter Backwash Discharges
Associated With Water Treatment Plant Activity
With Sludge Handling Capability**

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p.416, as amended), hereinafter called the "State Act," the Federal Clean Water Act, amended (33 U.S.C. 1251 et seq.), hereinafter called the "Clean Water Act", and the Rules and Regulations promulgated under each of these Acts, new and existing water treatment plant filter backwash point sources with sludge handling capabilities within the State of Georgia, upon submittal of a Notice of Intent, are authorized to discharge filter backwash associated with water treatment plant activity to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I and II hereof.

This permit shall become effective on MONTH XX, XXXX.

This permit and the authorization to discharge shall expire at midnight, MONTH XX, XXXX.

Issued this XX day of MONTH XXXX.



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Director,
Environmental Protection Division

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Part I

EPD is the Environmental Protection Division of the Department of Natural Resources.

The Federal Act referred to is The Clean Water Act.

The State Act referred to is The Water Quality Control Act (Act No. 870).

The State Rules referred to are The Rules and Regulations for Water Quality Control (Chapter 391-3-6).

A. SPECIAL CONDITIONS

1. MONITORING

The concentration of pollutants in the discharge will be limited as indicated by the table(s) labeled "Effluent Limitations and Monitoring Requirements."

- a. The monthly average is the arithmetic mean of values obtained for samples collected during a calendar month.
- b. The weekly average is the arithmetic mean of values obtained for samples collected during a 7 day period. The week begins 12:00 midnight Saturday and ends at 12:00 midnight the following Saturday. To define a different starting time for the sampling period, the permittee must notify EPD in writing. For reporting required by Part I.C.2. of this permit, a week that starts in one month and ends in another month shall be considered part of the second month. The permittee may calculate and report the weekly average as a 7 day moving average.
- c. Effluent samples required by Part I.B. of this permit shall be collected after the final treatment process and before discharge to the receiving waters.
- d. The permittee shall have a primary flow-measuring device that is correctly installed and operable.
- e. If secondary flow instruments malfunction or fail to maintain calibration, the flow shall be computed from manual measurements.
- f. Some parameters must be analyzed to the detection limits specified by the EPD. These parameters will be reported as "not detected" when they are below the detection limit and will then be considered in compliance with the effluent limit. The detection limit will also be reported.

2. SLUDGE DISPOSAL REQUIREMENTS

Sludge generated during the treatment of surface water or ground water used for drinking water shall be disposed in accordance with the Federal Regulations under 40 CFR Part 258 and the Georgia Rules of Solid Waste Management (Solid Waste Rules) under Chapter 391-3-4 if placed in a solid waste landfill. In land applying drinking water sludge, the permittee shall comply with the requirements contained in 40 CFR Part 257 and the recovered materials provisions under Chapter 391-3-4-.04(7) of the Solid Waste Rules.

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3. SLUDGE MONITORING REQUIREMENTS

The permittee shall develop and implement procedures to ensure adequate year-round sludge disposal. The permittee shall monitor the volume and concentration of solids removed from the plant. Records shall be maintained documenting that the quantity of solids removed from the facility equals the solids generated on an average day. The solids removed from the facility shall be reported monthly as pounds per day with the Discharge Monitoring Report required under I.C.2. of this permit.

4. EFFLUENT TOXICITY AND BIOMONITORING REQUIREMENTS

The permittee shall comply with effluent standards or prohibitions established by section 307(a) of the Federal Act and with Chapter 391-3-6-.03(5)(e) of the State Rules and may not discharge toxic pollutants in concentrations or combinations that are harmful to humans, animals, or aquatic life.

If toxicity is suspected in the effluent, the EPD may require the permittee to perform any of the following actions:

- a. Acute biomonitoring tests;
- b. Chronic biomonitoring tests;
- c. Stream studies;
- d. Priority pollutant analyses;
- e. Toxicity reduction evaluations (TRE); or
- f. Any other appropriate study.

The EPD will specify the requirements and methodologies for performing any of these tests or studies. Unless other concentrations are specified by the EPD, the critical concentration used to determine toxicity in biomonitoring tests will be the effluent instream wastewater concentration (IWC) based on the permitted monthly average flow of the facility and the critical low flow of the receiving stream (7Q10). The endpoints that will be reported are the effluent concentration that is lethal to 50% of the test organisms (LC50) if the test is for acute toxicity and the no observed effect concentration (NOEC) of effluent if the test is for chronic toxicity.

The permittee must eliminate effluent toxicity and supply the EPD with data and evidence to confirm toxicity elimination.

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B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The discharge from the water treatment plant shall be limited and monitored by the permittee as follows:

Parameters	Discharge limitations in mg/L unless otherwise specified		Monitoring Requirements		
	Monthly Average	Weekly Average	Measurement Frequency	Sample Type	Sample Location
Flow (MGD)	Report	Report	One Day/Week	Instantaneous	Effluent
Total Suspended Solids	30	45	One Day/Month	Grab ⁽¹⁾	Effluent
Total Aluminum	Report	Report	One Day/Month	Grab ⁽¹⁾	Effluent
Total Iron	Report	Report	One Day/Month	Grab ⁽¹⁾	Effluent

Parameters	Discharge limitations	Monitoring Requirements		
		Measurement Frequency	Sample Type	Sample Location
pH, Minimum – Maximum (Standard Unit)	6.0 – 8.5	One Day/Month	Grab ⁽¹⁾	Effluent
Total Residual Chlorine (mg/L) ⁽²⁾	Report Daily Maximum ⁽²⁾	One Day/Month	Grab ⁽¹⁾	Effluent

⁽¹⁾ Grab samples taken must be representative of the effluent characteristics.

⁽²⁾ This is a daily maximum limit. Total residual chlorine (TRC) monitoring requirements only apply if chlorine is in use at the facility.

The TRC limit shall be calculated as follows:

$$\text{Dilution Factor} = (7Q_{10} + \text{Facility Design Flow}) / \text{Facility Design Flow}$$

$$\text{Water Quality Standard for TRC in freshwater aquatic organism} = 11 \text{ ug/L} \times \text{Calculated Dilution Factor} = \text{Monthly Average TRC limit.}$$

The limit for TRC shall be the lower of either 0.5 mg/L or the calculated TRC limitation. If the TRC limit calculation is greater than 0.5 mg/L, the permittee will be required to meet the technology-based limit of 0.5 mg/L.

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C. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements of the monitored waste shall represent the volume and nature of the waste stream. The permittee shall maintain a written sampling and monitoring schedule.

2. REPORTING

All reports or information submitted in compliance with this permit or requested by EPD must be signed by a principal executive officer, elected official, or other authorized representative. Required analytical results obtained by the permittee shall be summarized on a Discharge Monitoring Report form and any EPD specified forms. Monitoring results shall be submitted to EPD postmarked no later than the 15th day of the month following the end of the reporting period. The EPD may require in writing that additional monitoring results be reported. Signed copies of these and all other required reports shall be submitted to:

Environmental Protection Division
Drinking Water Compliance Program
2 Martin Luther King Jr. Drive
East Tower, Suite 1362
Atlanta, Georgia 30334

3. MONITORING PROCEDURES

All analytical methods, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and methods listed in 40 CFR Part 136. The analytical method used shall be sufficiently sensitive. EPA approved methods must be applicable to the concentration ranges of the NPDES permit samples.

4. RECORDING OF RESULTS

For each required parameter analyzed, the permittee shall record:

- a. The exact place, date, and time of sampling, and the person(s) collecting the sample. For flow proportioned composite samples, this shall include the instantaneous flow and the corresponding volume of each sample aliquot, and other information relevant to document flow proportioning of composite samples;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical procedures or methods used;
- e. The results of all required analyses.

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5. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors required parameters at the locations designated in Part I.B. more frequently than required, the permittee shall analyze all samples using approved analytical methods specified in Part I.C.3. The results of this additional monitoring shall be included in calculating and reporting the values on the Discharge Monitoring Report forms or any EPD specified forms. The permittee shall indicate the monitoring frequency on the report. The EPD may require in writing more frequent monitoring, or monitoring of other pollutants not specified in this permit.

6. RECORDS RETENTION

The permittee shall retain records of:

- a. All laboratory analyses performed including sample data, quality control data, and standard curves;
- b. Calibration and maintenance records of laboratory instruments;
- c. Calibration and maintenance records and recordings from continuous recording instruments;
- d. Process control monitoring records;
- e. Facility operation and maintenance records;
- f. Copies of all reports required by this permit;
- g. All data and information used to complete the permit application; and
- h. All monitoring data related to sludge use and disposal.

These records shall be kept for at least three years. Sludge handling records must be kept for at least five years. Either period may be extended by EPD written notification.

7. PENALTIES

Both the Federal and State Acts provide that any person who falsifies or tampers with any monitoring device or method required under this permit, or who makes any false statement, representation, or certification in any record submitted or required by this permit shall, if convicted, be punished by a fine or by imprisonment or by both. The Acts include procedures for imposing civil penalties for violations or for negligent or intentional failure or refusal to comply with any final or emergency order of the Director of EPD.

8. UPSET PROVISION

Provision under 40 CFR 122.41(n)(1)-(4), regarding "Upset" shall be applicable to any civil, criminal, or administrative proceeding brought to enforce this permit.

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Part II

A: MANAGEMENT REQUIREMENTS

1. FACILITY OPERATION

The permittee shall maintain and operate efficiently all treatment or control facilities and related equipment installed or used by the permittee to achieve compliance with this permit. Efficient operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. Back-up or auxiliary facilities or similar systems shall be operated only when necessary to achieve permit compliance.

2. CHANGE IN DISCHARGE

Any anticipated facility expansions, or process modifications which will result in new, different, or increased discharges of pollutants require the submission of a new NPDES permit application. If the changes will not violate the permit effluent limitations, the permittee may notify EPD without submitting an application. The permit may then be modified to specify and limit any pollutants not previously limited.

3. NONCOMPLIANCE NOTIFICATION

If, for any reason the permittee does not comply with, or will be unable to comply with any effluent limitations specified in the permittee's NPDES permit, the permittee shall provide EPD with an oral report within 24 hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:

- a. A description of the noncompliance and its cause; and
- b. The period of noncompliance, including the exact date and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. The steps taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

4. ANTICIPATED NONCOMPLIANCE NOTIFICATION

The permittee shall give written notice to the EPD at least 10 days before:

- a. Any planned changes in the permitted facility; or
- b. Any activity which may result in noncompliance with the permit.

5. OTHER NONCOMPLIANCE

The permittee must report all instances of noncompliance not reported under other specific reporting requirements, at the time monitoring reports are submitted. The reports shall contain the information required under conditions of twenty-four hour reporting.

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6. *OPERATOR AND LABORATORY ANALYST CERTIFICATION REQUIREMENTS

The person responsible for the daily operation of the facility must be a Certified Operator in compliance with the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act, as amended. The class level for the certified Operator must comply with the minimum plant or system classification level specified in Section 391-3-6-.39 of the Rules for Safe Drinking Water.

Laboratory analysts must be certified in compliance with the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act, as amended.

*In lieu of a wastewater operator and wastewater laboratory analyst certification, the appropriate certification requirements for a water plant operator and a water laboratory analyst for this facility will be sufficient.

7. BYPASSING

Any diversion of wastewater from or bypassing of wastewater around the permitted treatment works is prohibited, except if:

- a. Bypassing is unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There are no feasible alternatives to bypassing; and
- c. The permittee notifies the EPD at least 10 days before the date of the bypass.

Feasible alternatives to bypassing include use of auxiliary treatment facilities and retention of untreated waste. The permittee must take all possible measures to prevent bypassing during routine preventative maintenance by installing adequate back-up equipment.

The permittee shall operate the facility and the sewer system to minimize discharge of pollutants from combined sewer overflows or bypasses and may be required by the EPD to submit a plan and schedule to reduce bypasses, overflows, and infiltration.

Any unplanned bypass must be reported following the requirements for noncompliance notification specified in II.A.3. The permittee may be liable for any water quality violations that occur as a result of bypassing the facility.

8. POWER FAILURES

If the primary source of power to this water pollution control facility is reduced or lost, the permittee shall use an alternative source of power to reduce or control all discharges to maintain permit compliance.

9. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge disposal which might adversely affect human health or the environment.

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10. UPSET PROVISION

Provision under 40 CFR 122.41(n)(1)-(4), regarding "Upset" shall be applicable to any civil, criminal, or administrative proceeding brought to enforce this permit.

B. RESPONSIBILITIES

1. COMPLIANCE

The permittee must comply with this permit. Any permit noncompliance is a violation of the Federal Act, State Act, and the State Rules, and is grounds for:

- a. Enforcement action;
- b. Permit termination, revocation and reissuance, or modification; or
- c. Denial of a permit renewal application.

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

2. RIGHT OF ENTRY

The permittee shall allow the Director of the EPD, the Regional Administrator of EPA, and their authorized representatives, agents, or employees after they present credentials to:

- a. Enter the permittee's premises where a regulated activity or facility is located, or where any records required by this permit are kept;
- b. Review and copy any records required by this permit;
- c. Inspect any facilities, equipment, practices, or operations regulated or required by this permit; and
- d. Sample any substance or parameter at any location.

3. SUBMITTAL OF INFORMATION

The permittee shall furnish any information required by the EPD to determine whether cause exists to modify, revoke and reissue, or terminate this permit or to determine compliance with this permit. The permittee shall also furnish the EPD with requested copies of records required by this permit. If the permittee determines that any relevant facts were not included in a permit application or that incorrect information was submitted in a permit application or in any report to the EPD, the permittee shall promptly submit the additional or corrected information.

4. TRANSFER OF OWNERSHIP OR CONTROL

A permit may be transferred to another person by a permittee if:

- a. The permittee notifies the Director in writing at least 30 days in advance of the proposed transfer;

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- b. An agreement is written containing a specific date for transfer of permit responsibility including acknowledgment that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on. This agreement must be submitted to the Director at least 30 days in advance of the proposed transfer; and
- c. The Director does not notify the current permittee and the new permittee within 30 days of EPD intent to modify, revoke and reissue, or terminate the permit. The Director may require that a new application be filed instead of agreeing to the transfer of the permit.

5. AVAILABILITY OF REPORTS

Except for data determined to be confidential by the Director of EPD under O.C.G.A. 12-5-26 or by the Regional Administrator of EPA under the Code of Federal Regulations, Title 40, Part 2, all reports prepared to comply with this permit shall be available for public inspection at an EPD office. Effluent data, permit applications, permittee's names and addresses, and permits shall not be considered confidential.

6. PERMIT MODIFICATION

This permit may be modified, terminated, or revoked and reissued in whole or in part during its term for causes including, but not limited to:

- a. Permit violations;
- b. Obtaining this permit by misrepresentation or by failure to disclose all relevant facts;
- c. Changing any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- d. Changes in effluent characteristics; and
- e. Violations of water quality standards.

The filing of a request by the permittee for permit modification, termination, revocation and reissuance, or notification of planned changes or anticipated noncompliance does not negate any permit condition.

7. CIVIL AND CRIMINAL LIABILITIES

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

8. PROPERTY RIGHTS

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

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9. TERMINATION OF PERMIT

In order to terminate permit coverage, the permittee must submit a complete and accurate Notice of Termination (NOT). The permittee is responsible for complying with the terms of this permit until authorization is terminated.

A permittee must submit a NOT within 30 days after one or more of the following conditions have been met:

- a. A new permittee has taken over responsibility of the facility covered under an existing NOI;
- b. All discharges have ceased for which permit coverage was obtained and the permittee does not expect to discharge during the remainder of the permit term for any of the discharges covered under this permit.

10. EXPIRATION OF PERMIT

The permittee shall submit an application for permit reissuance at least 180 days before the expiration date of this permit. The permittee shall not discharge after the permit expiration date without written authorization from the EPD. To receive this authorization, the permittee shall submit the information, forms, and fees required by the EPD no later than 180 days before the expiration date.

11. CONTESTED HEARINGS

Any person aggrieved or adversely affected by any action of the Director of the EPD shall petition the Director for a hearing within 30 days of notice of the action.

12. SEVERABILITY

The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the provision does not affect other circumstances or the remainder of this permit.

13. PREVIOUS PERMITS

All previous State water quality permits issued to this facility for construction or operation are revoked by the issuance of this permit. The permit governs discharges from this facility under the National Pollutant Discharge Elimination System (NPDES).