



WATER QUALITY MANAGEMENT PERMIT

A. PERMITTEE (Name and Address): CLIENT ID#: 361817 Trogon Development LLC PO Box 1636 Canovanas, PR 00729	B. PROJECT/FACILITY (Name): Fern Valley Ash Disposal Site
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C. LOCATION (Municipality, County): Jefferson Hills Borough, Allegheny County	SITE ID#: 237533
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D. This transfer approves the transfer of industrial wastewater facilities consisting of:
Sedimentation Pond and all associated infrastructure, inlet and discharge piping

GenOn Power Midwest, LP	To	Trogon Development LLC
P.O. Box 65		P.O. Box 1636
Cheswick, PA 15024		Canovanas, PR 00729


Pump Stations: _____ Design Capacity: _____ GPM	Manure Storage: Volume: _____ MG Freeboard: _____ inches	Industrial Wastewater Treatment Facility: Annual Average Flow: _____ MGD Design Hydraulic Capacity: _____ MGD Design Organic Capacity: _____ lb/day
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E. APPROVAL GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING:

- Transfers:** Water Quality Management Permit No. **0287202** dated **February 1, 1989** and conditions, supporting documentation and addendums and subsequent amendments are also made part of this transfer.
- Permit Conditions Relating to Industrial Wastewater are attached and made part of this permit.
- Special Conditions numbered **A-N** are attached and made part of this permit.

F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:

- If there is a conflict between the application or its supporting documents and amendments and the attached conditions, the attached conditions shall apply.
- Failure to comply with the rules and regulations of DEP or with the terms or conditions of this permit shall void the authority given to the permittee by the issuance of this permit.
- This permit is issued pursuant to the Clean Streams Law Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 et seq. Issuance of this permit shall not relieve the permittee of any responsibility under any other law.

PERMIT ISSUED: <u>October 5, 2021</u>	BY:  <hr/> Christopher Kriley, P.E. Clean Water Program Manager Southwest Regional Office
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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

PERMIT CONDITIONS RELATING TO INDUSTRIAL WASTEWATER
For use in Water Quality Management Permits

(Check boxes that apply)

General

- 1. The Department of Environmental Protection (DEP) considers the licensed Professional Engineer whose seal is affixed to the design documents to be fully responsible for the adequacy of all aspects of the facility design.
- 2. All relevant and non-superseded conditions of any prior Water Quality Management Permits, decrees or orders issued to the permittee or his predecessor shall be continued in full force and effect and together with the provisions of this permit shall apply to his successors, lessees, heirs and assigns.
- 3. The responsibility for implementing the conditions of this permit shall rest upon the owner, lessee, assignee or other party in responsible managerial charge of the operation producing the wastewaters and waste treatment facilities. Transfer of a permit to a new owner shall not be effective until said transfer has been executed and filed on forms provided by DEP and DEP approved the transfer.
- 4. The permittee shall secure any necessary permission from the proper federal authority for any outfall or industrial waste treatment structure which discharges into or enters navigable waters and shall obtain a separate permit for any stream crossing, encroachment or change of natural stream conditions within the jurisdiction of DEP.
- 5. When construction of the approved facilities is completed and before they are placed in operation, the permittee shall notify DEP in writing so that a DEP representative may inspect the facilities.
- 6. The approval of the plans, and the authority granted in this permit, if not specifically extended, shall cease and be null and void 5 years from the issuance date of this permit unless construction or modification of the facilities covered by this permit has begun on or before the fifth anniversary of the permit date.
- 7. The authority granted by this permit is subject to all effluent requirements, monitoring requirements and other conditions as set forth in the NPDES Permit and all subsequent amendments and renewals. No discharge is authorized from these facilities unless approved by an NPDES Permit.
- 8. Nothing herein shall be construed to be an intent on the part of DEP to approve any present or future act by the permittee, inconsistent with the permittee's lawful powers or with existing laws of this Commonwealth regulating industrial wastes and the practice of professional engineering. This permit shall not be construed to sanction any act otherwise forbidden by any of the laws of the Commonwealth of Pennsylvania or of the United States.

Construction

- 9. This permit is issued under the authorization of The Clean Streams Law and 25 Pa. Code Chapter 91. The permittee shall obtain all necessary permits, approvals and/or registrations under 25 Pa. Code Chapters 102, 105 and 106 prior to commencing construction of the facilities authorized by this permit, as applicable. The permittee should contact the DEP office that issued this permit if there are any questions concerning the applicability of additional permits.
- 10. The facilities shall be constructed under expert engineering supervision and competent inspection, in accordance with plans, designs and other data as herein approved or amended and with the conditions of this permit.
- 11. A Pennsylvania licensed Professional Engineer shall certify that construction of the permitted facilities was completed in accordance with the application and design plans submitted to DEP, using the "Post Construction Certification" form (3800-PM-WSFR0179a). It is the permittee's responsibility to ensure that a Professional Engineer is on-site to provide the necessary oversight and/or inspections to certify the facilities. The certification must be submitted to DEP before the facility is placed in operation. As-built drawings, photographs (if available) and a description of all deviations from the application and design plans must be submitted to DEP within 30 days of certification.

- 12. The DEP office that issued this permit must be contacted during construction if significant changes are proposed to the approved facilities. Significant changes include, but are not limited to changes to the type(s) of process(es) used for treatment and changes to the design capacities of tanks, impoundments, and conveyance structures or equipment by more than 5% of the original design. For projects involving PENNVEST funding, all changes should be discussed with the DEP project manager prior to implementation. DEP may require the submission of an application to amend this permit. All changes shall be documented in an attachment to the Post Construction Certification form.
- 13. The local Waterways Conservation Officer of the Pennsylvania Fish and Boat Commission (PFBC) shall be notified when the construction of any stream crossing and/or outfall is started and completed. A written permit must be secured from the PFBC if the use of explosives in any waterways is required and the local Waterways Conservation Officer must be notified when explosives are to be used.

Operation and Maintenance

- 14. If at any time the industrial waste treatment facility, or the discharge of the effluent creates a public nuisance, or such discharge is causing or contributing to pollution of the waters of this Commonwealth, the permittee shall immediately adopt remedial measures acceptable to DEP.
- 15. The permittee shall maintain records of "as-built" plans showing all the treatment facilities as actually constructed together with facility operation and maintenance (O&M) manuals and any other relevant information that may be required. Upon request, the "as-built" plans and O&M manuals shall be filed with DEP.
- 16. To ensure operational efficiency and protect the waters of this Commonwealth, the permittee shall maintain skilled operators at all times.
- 17. No stormwater, sewage or other industrial wastes not specifically approved herein shall be admitted to the facilities for which this permit is issued.
- 18. These industrial waste treatment facilities shall be operated and maintained to perform as designed. In order to ensure the efficiency and proper maintenance of the treatment facilities, the permittee shall make periodic inspections to detect any impairment of structural stability, adequate capacity or other requisites which might impair the effectiveness of the approved facilities.
- 19. Collected screenings, slurries, sludge and other solids shall be handled and disposed of in compliance with Title 25 Pa. Code Chapters 287, 288, 291, 297 and 299 (related to permits and requirements for land filling, land application, incineration and storage of industrial sludge), Federal Regulations 40 CFR 257 and the Federal Clean Water Act and its amendments.

Special Conditions

A, B, C, D, E, F, G, H, I, J, K, L, M & N of the Special Conditions for Part II Permit 0287202-A1-T1 (attached, pages 4-5)

Erosion and Sedimentation Control

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 of the Department of Environmental Resources Standard Conditions Relating to Erosion Control for Use in Water Quality Management Permits dated August 1991 (attached, pages 6-7)

Please note that the prior permit 0287202 - A1 T5 amended 0287202-A1-T4 which amended permit 0287202-A1-T2 and superseded permit 0287202-T3.

SPECIAL CONDITIONS FOR PART II PERMIT 0287202-A1-T1

- A. The authority granted by this permit is subject to all effluent requirements, monitoring requirements, and other conditions as set forth in Part I NPDES Permit PA0090271.
- B. No radical changes shall be made from the plans; designs, and other data herein approved unless the permittee first receives written approval from the Department. Upon request from the Department, the permittee shall file a satisfactory record or detail plans of the facilities as actually constructed together with any other information in connection therewith.
- C. In accordance with the Information submitted in support of this permit, sludge is to be disposed at Fern Valley Ash Disposal Facility. Any change from this procedure must receive prior approval in writing from the Department.
- D. The approval herein granted shall be null and void two years from the date of this permit unless the facilities have been constructed and put into operation.
- E. The plans for which this permit is issued are approved subject to the condition that the waste treatment plant constructed under said plans will produce an effluent satisfactory to the Department. By this approval, neither the Department nor the Commonwealth of Pennsylvania assumes any responsibility for the feasibility of the plans or the operation of the plant to be constructed thereunder.
- F. All relevant and non-superseded conditions of any prior water quality management permits, decrees, or orders issued to the herein permittee or his predecessor shall be continued to full force and effect and together with the provisions of this permit shall apply to successors, lessees, heirs and assigns.
- G. The responsibility for the carrying out of the conditions of this permit shall rest upon the owner, lessee, assignee, or other party in responsible managerial charge of the operation producing the wastewaters and of the waste treatment works herein approved, such responsibility passing with each succession in said control. Approval facilities under a permit shall not be effective as to a new owner until a transfer has been executed and filed on forms provided by the Department and the transfer is approved by the Department.
- H. By this approval, neither the Department nor the Commonwealth of Pennsylvania assume any responsibility for the structural design of the herein permitted facilities. Failure of the works herein approved because of faulty structural design or poor construction will render the permit void.

- I. The permittee must comply with any applicable requirements of Act 1989-32, the Storage Tank & Spill Prevention Act, for above ground and underground storage tanks associated with the treatment facilities approved herein.
- J. The permittee shall comply with Chapter 102 of the Department's Rules and Regulations and the Department's standard conditions relating to erosion control.
- K. No matter how well designed and carefully constructed a waste treatment works may be full effectiveness cannot be developed unless it is efficiently operated. In order to secure such efficiency, protect the waters of the Commonwealth, and insure the most effective and economical dosage when chemicals are used, the permittee is required to place the works under the regular charge of a responsible plant official, and its operation under the control of the designer of the works or other qualified person, for at least one year after completion. Moreover, upon written notice from the Department, the permittee shall maintain one or more skilled operators regularly on duty for such daily periods as the Department may direct.
- L. No stormwater, sewage or other industrial wastes not specifically approved herein, shall be admitted to the works for which this permit is issued, unless with the approval of the Department.
- M. The various structures and apparatus of the industrial waste treatment works herein approved shall be maintained in proper condition so that they will individually and collectively perform the functions for which they were designed. In order to insure the efficacy and proper maintenance of the treatment works, the permittee shall make periodic inspections at sufficiently frequent intervals to detect any impairment of the structural stability, adequate capacity, or other requisites of the herein approved works which might impair their effectiveness, and shall take immediate steps to correct any such impairment found to exist.
- N. Any screening, and any settled or floated solids, shall at no time be permitted to accumulate in sedimentation basins to a depth sufficient to interfere with the settling efficiency thereof. Any such material removed shall be handled and disposed of so that a nuisance is not created and so that every reasonable and practical precaution is taken to prevent the said material from reaching the waters of the Commonwealth, in accordance with applicable state and federal regulations regarding disposal of residuals.

August 1991

DEPARTMENT OF ENVIRONMENTAL RESOURCES
STANDARD CONDITIONS RELATING TO EROSION CONTROL
For Use in Water Quality Management Permits

1. By approval of the plans for which this permit is issued, neither the Department nor the Commonwealth of Pennsylvania assumes any responsibility for the feasibility of the plans or the operation of the measures and facilities to be constructed thereunder.
2. If at any time the erosion and sedimentation activities undertaken pursuant to this permit or the discharge of the effluent therefrom is causing or contributing to pollution of the waters of the Commonwealth, the permittee shall forthwith adopt such remedial measures as are acceptable to the Department.
3. This permit does not authorize any earth disturbance controlled by an ordinance enacted by a local municipality. Additional permits must be secured from local municipalities where earthmoving activities are covered by local ordinances.
4. At least seven days before earthmoving will begin, the permittee, by telephone or certified mail, shall notify the Department or its designee of the date for beginning of construction and invite the County Conservation District Representative to attend a pre-construction conference with the contractor. The permittee shall have his erosion control plan available at the site of the activity at all times.
5. All earthmoving activities shall be undertaken in the manner set forth in the erosion and sedimentation control plan identified with this permit. Revisions to the plan shall be pre-approved by the Department.
6. The erosion control measures and facilities shall be constructed under the supervision and competent inspection of an individual trained and experienced in erosion control, and in accordance with plans, designs and other data as herein approved or amended, and with the conditions of this permit. Control facilities shall be frequently inspected to insure effective control.
7. When the herein approved erosion control measures and facilities are completed, the permittee shall notify the County Conservation District so that an inspection of the measures and facilities may be made.
8. No storm water, sewage or industrial wastes not specifically approved herein, shall be admitted to the erosion and sedimentation measures and facilities for which this permit is issued, unless with the approval of the Department.

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9. Sediment shall at not time be permitted to accumulate in sedimentation basins to a depth sufficient to limit storage capacity or interfere with the settling efficiency thereof. The sediment removed shall be handled and disposed of in a manner that will not create pollution problems and so that every reasonable and practical precaution is taken to prevent the said material from reaching the waters of the Commonwealth.
10. All slopes, channels, ditches or any disturbed area shall be stabilized as soon as possible after the final grade or final earthmoving has been completed. Where it is not possible to permanently stabilize a disturbed area immediately after the final earthmoving has been completed or where the activity ceases for more than 20 days, interim stabilization measures shall be implemented promptly.
11. Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion will be prevented. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed. Upon completion of stabilization, all unnecessary or unusable control measures and facilities shall be removed, the areas shall be graded and the soils shall be stabilized.
12. The responsibility of carrying out the permit conditions shall rest with the owner, lessee, assignee or other responsible manager of earthmoving that affects the approved erosion controls. Such responsibility passes with each control succession.