



AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR INDUSTRIAL WASTEWATER FACILITIES

NPDES PERMIT NO: PA0219088

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**Cleveland Cliffs Steel Corp
9227 Centre Pointe Drive
West Chester, OH 45069-4822**

is authorized to discharge from a facility known as **Cleveland Cliffs Steel Corp Bridgeville Plant**, located in **Collier Township, Allegheny County**, to **Painters Run (WWF)** in Watershed(s) **20-F** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON **MARCH 01, 2023**

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON **FEBRUARY 28, 2028**

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d)(2))

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7 (b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED

 February 3, 2023

ISSUED BY

**Christopher Kriley, P.E.
Environmental Program Manager
Southwest Regional Office**

PART A – INTERIM EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 101, Latitude 40° 22' 01", Longitude -80° 05' 50", River Mile Index 12.56, Stream Code 36777

Receiving Waters: Painters Run (WWF)

Type of Effluent: IW Process Effluent without ELG and Stormwater

1. The permittee is authorized to discharge during the period from **Permit Effective Date** through **59 Months following the Permit Effective Date**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Outfall 101 , Continued (from Permit Effective Date through Completion of Construction)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/month	Measured
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report	1/month	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Antimony, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Arsenic, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Cadmium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Chromium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Copper, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab

Outfall 101 , Continued (from Permit Effective Date through Completion of Construction)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Mercury, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Selenium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Vanadium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Chloride	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Bromide	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
PCB-1248 (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Trichloroethylene (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Radium-226 (pCi/L)	XXX	XXX	XXX	XXX	Report	XXX	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 101⁽³⁾

PART A – FINAL EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 001, Latitude 40° 22' 05", Longitude -80° 05' 49", River Mile Index 12.56, Stream Code 36777

Receiving Waters: Painters Run (WWF)

Type of Effluent: IW Process Effluent without ELG and Stormwater

1. The permittee is authorized to discharge during the period from **59 Months Following the Permit Effective Date** through **Permit Expiration Date**.
2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX	1/month	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/month	Grab
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Aluminum, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Antimony, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Arsenic, Total (ug/L)	XXX	XXX	XXX	XXX	129.0	XXX	1/month	Grab
Cadmium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	XXX	135.0	XXX	1/month	Grab
Chromium, Total (ug/L)	XXX	XXX	XXX	XXX	3,010.0	XXX	1/month	Grab
Copper, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab

Outfall 001 , Continued (from Completion of Construction through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽²⁾ Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Mercury, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Selenium, Total (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Vanadium, Total (ug/L)	XXX	XXX	XXX	XXX	1,295.0	XXX	1/month	Grab
Chloride	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Bromide	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
PCB-1248 (ug/L) ⁽⁴⁾	XXX	XXX	XXX	XXX	0.00004	XXX	1/month	Grab
Trichloroethylene (ug/L)	XXX	XXX	XXX	XXX	Report	XXX	1/month	Grab
Radium-226 (pCi/L)	XXX	XXX	XXX	XXX	Report	XXX	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at the principle spillway discharge of the Detention Pond. ⁽³⁾

**PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS
(Continued)**

Additional Requirements

I. E. ADDITIONAL EFFLUENT LIMITATIONS APPLICABLE DURING CONSTRUCTION

A. BMPs.

Except as required by 25 Pa. Code § 102.11(c), this NPDES Permit also establishes narrative performance-based effluent limitations in the form of BMPs identified in E&S Plans, PCSM Plans, and PPC Plans, which control the volume, rate, and quality of stormwater runoff discharged into surface waters, and which replicate pre-construction infiltration and runoff conditions to the maximum extent practicable. Section 102.11(c) incorporates by reference federal Effluent Limitation Guidelines in 40 CFR Part 450 (relating to the construction and development point source category).

B. Water Quality-Based Effluent Limitations.

1. Persons proposing or conducting earth disturbance activities shall develop, implement and maintain E&S and PCSM BMPs to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater to ensure that the water quality standards of all affected waters are attained.
2. Earth disturbance activities authorized under this Permit shall achieve WLAs established in any applicable TMDL. All stormwater discharges must comply with all applicable requirements established in accordance with DEP's regulations at 25 Pa. Code Chapters 91-96, 102, and 105.
3. For all permittees covered under this NPDES Permit, DEP or CCD may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.

I. F. MONITORING, INSPECTION, AND REPORTING REQUIREMENTS DURING CONSTRUCTION DURING CONSTRUCTION

A. Site Inspections – The permittee shall conduct visual site inspections throughout the duration of construction at the following frequencies:

- Routine Inspections shall be conducted weekly.
- Post-Storm Event Inspections shall be conducted within 24 hours after the conclusion of each measurable storm event (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) or the occurrence of snowmelt sufficient to cause a discharge.
- Corrective Action Inspections shall be conducted anytime the permittee observes a deficiency in implementation of the E&S and PCSM Plans.

1. The permittee shall document each site inspection on DEP's Chapter 102 Visual Site Inspection Report (3800-FM-BCW0271d) or alternative document or electronic form that collects and retains identical information. All requested information on the Visual Site Inspection Report must be completed. If electronic forms are used to document site inspections, the permittee shall provide a physical copy of the inspection report to DEP or CCD upon request. The permittee shall submit visual site inspection reports to DEP or CCD upon request.

2. Site inspections shall be performed by personnel that are trained and experienced in E&S and PCSM BMP

construction, function, and maintenance and are familiar with the E&S and PCSM Plans for the project site.

3. To determine if a storm event of 0.25 inch or greater has occurred on a project site, the permittee shall either maintain a rain gauge on-site or obtain storm event information from a weather station that is representative of the project site location.

B. Licensed Professional Oversight of Critical Stages (25 Pa. Code § 102.8(k))

A licensed professional or a designee shall be present on-site and shall be responsible for oversight of critical stages of implementation of the approved PCSM Plan. The critical stages may include the installation of underground treatment or storage BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by DEP or CCD.

C. Non-Compliance or Potential Pollution Reporting

Where E&S, PCSM or PPC BMPs are found to be inoperative or ineffective during an inspection or any other time the permittee becomes aware of any incident causing or threatening pollution as described in 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution), as required by 25 Pa. Code § 92a.41(b) (relating to conditions applicable to all permits), the permittee and/or co-permittee(s) shall, as soon as possible but no later than four (4) hours after becoming aware of the incident, contact DEP or CCD, by phone or personal contact, followed by the submission of a written report within five (5) days of the initial contact, which may be waived by DEP or CCD. Non-compliance reports shall include the following information:

1. Any condition on the project site which may endanger public health, safety, or the environment, or involve incidents which cause or threaten pollution;
2. The period of non-compliance, including exact dates and times and/or anticipated time when the activity will return to compliance;
3. Steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance; and
4. The date or schedule of dates and identifying remedies for correcting non-compliance conditions.

D. Monitoring.

DEP or CCD may require additional monitoring where an increased risk of potential water pollution is present, or water pollution is suspected to be occurring from a construction activity subject to this Permit, or for any reason in accordance with 25 Pa. Code § 92a.61 (relating to monitoring). The permittee or co-permittee shall commence such monitoring upon notification from DEP or CCD. (25 Pa. Code § 92a.61(b))

I.G. The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))
2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7), § 95.2(2))
3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))
4. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. For the purpose of determining compliance with this condition, DEP will compare conditions in the receiving water upstream of the discharge to conditions in the receiving water approximately 100 feet

downstream of the discharge to determine if there is an observable change in the receiving water. (25 Pa Code § 92a.41(c))

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.
- (3) The initial sampling location of Outfall 101 is approximately 40° 22' 01", -80° 05' 50". Sampling location of Outfall 101 to change to the principal spillway discharge (Outfall 001) of the Detention Pond once the following have occurred: the site lined cover system is placed; all site features to direct all site water to the detention pond are in service; the detention pond outlet is constructed, and the detention pond is placed in service.
- (4) Refer to Part C.II of this Permit for monitoring of Water Quality Based Effluent Limit parameters that are below quantitation limits.

Supplemental Information

The effluent limitations for Outfall 101 were determined using an effluent discharge rate of 0.0155 MGD.

The effluent limitations for Outfall 001 were determined using an effluent discharge rate of 0.0155 MGD.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

Bypass means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

Calendar Week is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251 to 1387).

Chemical Additive means a chemical product (including products of disassociation and degradation, collectively "products") introduced into a waste stream that is used for cleaning, disinfecting, or maintenance and which may be detected in effluent discharged to waters of the Commonwealth. The term generally excludes chemicals used for neutralization of waste streams, the production of goods, and treatment of wastewater.

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). A separate analysis should be performed for each sample and the results should be averaged.

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour 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. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code § 92a.2, 40 CFR 122.2)

Estimated Flow means any method of liquid volume measurement 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.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

Hauled-In Wastes means any waste that is introduced into a treatment facility through any method other than a direct connection to the wastewater collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Instantaneous Maximum Effluent Limitation means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code § 92a.2)

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average 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. (25 Pa. Code § 92a.2)

Municipal Waste means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. (25 Pa. Code § 271.1)

Non-contact Cooling Water means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

Residual Waste means garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law. (25 Pa Code § 287.1)

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. (25 Pa. Code § 92a.2)

Stormwater Associated With Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, and as defined at 40 CFR 122.26(b)(14) (i) - (ix) & (xi) and 25 Pa. Code § 92a.2.

Total Dissolved Solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (40 CFR 122.41(j)(1)). Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized. (40 CFR 122.48, 25 Pa. Code § 92a.61)
2. Records Retention (40 CFR 122.41(j)(2))

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

3. Recording of Results (40 CFR 122.41(j)(3))

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures

- a. Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101-4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.
- b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (40 CFR 122.41(j)(4), 122.44(i)(1)(iv))
- c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in this permit or has been otherwise approved in writing by DEP for the measured pollutant or pollutant parameter. Permittees have the option of providing matrix or sample-specific minimum levels rather than the published levels. (40 CFR 122.44(i)(1)(iv))

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.44, 92a.61(i) and 40 CFR §§ 122.41(e), 122.44(i)(1))
2. The permittee shall use DEP's electronic Discharge Monitoring Report (eDMR) system to report the results of compliance monitoring under this permit (see www.dep.pa.gov/edmr). Permittees that are not using the eDMR system as of the effective date of this permit shall submit the necessary registration and trading partner agreement forms to DEP's Bureau of Clean Water (BCW) within 30 days of the effective date of this permit and begin using the eDMR system when notified by DEP BCW to do so. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))
3. Submission of a physical (paper) copy of a Discharge Monitoring Report (DMR) is acceptable under the following circumstances:
 - a. For a permittee that is not yet using the eDMR system, the permittee shall submit a physical copy of a DMR to the DEP regional office that issued the permit during the interim period between the submission of registration and trading partner agreement forms to DEP and DEP's notification to begin using the eDMR system.
 - b. For any permittee, as a contingency a physical DMR may be mailed to the DEP regional office that issued the permit if there are technological malfunction(s) that prevent the successful submission of a DMR through the eDMR system. In such situations, the permittee shall submit the DMR through the eDMR system within 5 days following remedy of the malfunction(s).
4. DMRs must be completed in accordance with DEP's published DMR instructions (3800-FM-BCW0463). DMRs must be received by DEP no later than 28 days following the end of the monitoring period. DMRs are based on calendar reporting periods and must be received by DEP in accordance with the following schedule:
 - Monthly DMRs must be received within 28 days following the end of each calendar month.
 - Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.
 - Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.
 - Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.
5. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) attached to this permit, or an approved equivalent, and submit the signed, completed forms as attachments to the DMR, through DEP's eDMR system. DEP's Supplemental Laboratory Accreditation Form (3800-FM-BCW0189) must be completed and submitted to DEP with the first DMR following issuance of this permit, and anytime thereafter when changes to laboratories or methods occur. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4))
6. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:

- For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
- For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above and for co-permittees, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR § 122.22(b))

7. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

C. Reporting Requirements

1. Planned Changes to Physical Facilities – The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b). (40 CFR 122.41(l)(1)(i))
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))
 - d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))
2. Planned Changes to Waste Stream – Under the authority of 25 Pa. Code § 92a.24(a), the permittee shall provide notice to DEP as soon as possible but no later than 45 days prior to any planned changes in the volume or pollutant concentration of its influent waste stream, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the "Planned Changes to Waste Stream" Supplemental Report (3800-FM-BCW0482), available on DEP's website. The permittee shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility. The Report shall be sent via Certified Mail or other means to confirm DEP's receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.
 - a. Introduction of New Pollutants (25 Pa. Code § 92a.24(a))

New pollutants are defined as parameters that meet all of the following criteria:

- (i) Were not detected in the facilities' influent waste stream as reported in the permit application; and

- (ii) Have not been approved to be included in the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's written approval.

b. Increased Loading of Approved Pollutants (25 Pa. Code § 92a.24(a))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

- (i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application; or
- (ii) Have been approved to be included in the permittee's influent waste stream by DEP in writing; or
- (iii) Have an effluent limitation or monitoring requirement in this permit.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the facility (as defined at 40 CFR 403.3), or (4) may cause exceedances of the applicable water quality standards in the receiving stream. Unless specified otherwise in this permit, if DEP does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

- (i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate), as defined at 25 Pa. Code § 287.1, that are received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-BCW0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

- (1) The dates that residual wastes were received.
- (2) The volume (gallons) of wastes received.
- (3) The license plate number of the vehicle transporting the waste to the treatment facility.
- (4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.
- (5) The name and address of the generator of the residual wastes.

- (6) The type of wastewater.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code § 299.219). If the transporter is unable to provide this information or the permittee has not otherwise received the information from the generator, the residual wastes shall not be accepted by the permittee until such time as the permittee receives such information from the transporter or generator.

- (ii) The following conditions apply to the characterization of residual wastes received by the permittee:
- (1) If the generator is required to complete a chemical analysis of residual wastes in accordance with 25 Pa. Code § 287.51, the permittee must receive and maintain on file a chemical analysis of the residual wastes it receives. The chemical analysis must conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be covered by a chemical analysis if the generator is required to complete it.
 - (2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the chemical analysis may be a general frac wastewater characterization approved by DEP. Thereafter, the chemical analysis must be waste-specific and be reported on the Form 26R.

b. Receipt of Municipal Waste

- (i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to septage and liquid sewage sludge), as defined at 25 Pa. Code § 271.1, that are received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-BCW0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

- (1) The dates that municipal wastes were received.
 - (2) The volume (gallons) of wastes received.
 - (3) The BOD₅ concentration (mg/l) and load (lbs) for the wastes received.
 - (4) The location(s) where wastes were disposed of within the treatment facility.
- (ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes.

4. Unanticipated Noncompliance or Potential Pollution Reporting

- a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).
- (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.

- (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
 - (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:
- (i) 24 Hour Reporting - The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:
 - (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 the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR 122.44(g))
 - (ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. 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 reoccurrence of the noncompliance.
 - (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))

5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BCW0440). The reports shall contain the information listed in paragraph C.4.b.(ii) of this section. (40 CFR 122.41(l)(7))

- D. Specific Toxic Pollutant Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Direct Dischargers) - The permittee shall notify DEP as soon as it knows or has reason to believe the following: (40 CFR 122.42(a))
- 1. That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in this permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(1))
 - a. One hundred micrograms per liter.
 - b. Two hundred micrograms per liter for acrolein and acrylonitrile.

- c. Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.
 - d. One milligram per liter for antimony.
 - e. Five times the maximum concentration value reported for that pollutant in this permit application.
 - f. Any other notification level established by DEP.
2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(2))
- a. Five hundred micrograms per liter.
 - b. One milligram per liter for antimony.
 - d. Ten times the maximum concentration value reported for that pollutant in the permit application.
 - e. Any other notification level established by DEP.

E. Annual Fee (25 Pa. Code § 92a.62)

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. As of the effective date of this NPDES permit, the facility covered by the permit is classified in the **Minor IW Facility without ELG** fee category, which has an annual fee of **\$1,500**.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Permittees may contact the DEP at 717-787-6744 with questions related to annual fees. The fee identified above is subject to change if DEP publishes changes to 25 Pa. Code § 92a.62.

Payment for annual fees shall be remitted to DEP at the address below or through DEP's electronic payment system (www.depgreenport.state.pa.us/NPDESpay) by the due date specified on the invoice. Checks, if used for payment, should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Clean Water
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART B

I. MANAGEMENT REQUIREMENTS

A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with 25 Pa. Code § 92a.72 and 40 CFR 122.41(f).
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. (40 CFR 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))
3. 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 DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))

D. 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 terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))
2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage." (40 CFR 122.41(m)(4)(i)(A))
 - b. There are 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 preventive maintenance. (40 CFR 122.41(m)(4)(i)(B))
 - c. The permittee submitted the necessary notice required in F.4.a. and b. below. (40 CFR 122.41(m)(4)(i)(C))
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. above. (40 CFR 122.41(m)(4)(ii))
4. Notice
 - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))
 - b. Unanticipated Bypass – The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

G. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)

1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.B.6 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.
2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.
3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

H. Additional Requirements During Construction

1. Removed Substances

Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater shall be disposed in accordance with federal and state law and regulations, in order to prevent any pollutant in such materials from adversely affecting public health or the environment.

2. BMP Construction, Operation and Maintenance

The permittee and co-permittee(s) are responsible for the design, installation, operation, and maintenance of the BMPs identified in the E&S Plan, PCSM Plan, and PPC Plan.

3. Reduction, Loss, or Failure of BMP

Upon reduction, loss, or failure of any BMP, the permittee and co-permittee(s) shall take immediate action to restore, repair, or replace the BMP or to provide an alternative method of treatment. Such restored BMP or alternative treatment shall be at least as effective as the original BMP when properly installed. These actions shall be undertaken to ensure that there are no pollutants or pollution discharged to the waters of the Commonwealth. This requirement is applicable in situations where the BMP is rendered ineffective, whether the cause or source of the reduction, loss or failure is within or beyond the control of the permittee or co-permittee(s).

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- 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 and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR 122.41(j)(5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the 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 this permit. (40 CFR 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (40 CFR 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR 122.61(a))
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR 122.61(b)(2))
 - c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (40 CFR 122.61(b)(3))
 - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)
3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

D. 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. (40 CFR 122.41(b))

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

PART C

I. OTHER REQUIREMENTS

- A. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.
- B. Collected screenings, slurries, sludges, and other solids shall be handled, recycled and/or disposed of in compliance with the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments. Screenings collected at intake structures shall be collected and managed and not be returned to the receiving waters.

The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

- C. If the applicable standard or effluent guideline limitation relating to the application for Best Available Technology (BAT) Economically Achievable or to Best Conventional Technology (BCT) is developed by DEP or EPA for this type of industry, and if such standard or limitation is more stringent than the corresponding limitations of this permit (or if it controls pollutants not covered by this permit), DEP may modify or revoke and reissue the permit to conform with that standard or limitation.
- D. If applicable, the permittee shall obtain a Water Quality Management (WQM) permit from DEP for construction of treatment facilities and complete construction in accordance with the WQM permit application prior to commencing discharges authorized by this permit.
- E. The final effluent limitations from Part A for discharges via IMP 101 (and Outfall 001) to Chartiers Creek are to be achieved as-soon-as practicable, but no later than 59 months following the Permit Effective Date. If the permittee fails to complete construction activities within 59 months following the Permit Effective Date, a written notice of non-compliance, i.e., failure to complete construction of treatment technologies necessary to achieve compliance with the Part A effluent limits, shall be submitted to the Department no later than 14 calendar days following 59 months from the Permit Effective Date. The notice of non-compliance shall include the following information:
 - 1. A short description of the non-compliance.
 - 2. A description of any actions taken or proposed by the permittee to comply with the construction schedule.
 - 3. A description of any factors which tend to explain or mitigate the non-compliance.
 - 4. An estimate of the date that compliance with the requirement will be achieved.

The permittee shall submit annual reports to the PA DEP Southwest Regional Office Clean Water Program Manager on the progress made toward achieving the final effluent limits. The first report is due no later than 12-months following the Permit Effective Date and subsequent reports are due annually thereafter.

F. Erosion and Sedimentation Controls During Construction

1. Cleveland Cliffs shall secure an approved Erosion and Sedimentation (E&S) Control Plan, Pollution, Prevention, and Contingency (PPC) plan, and a Post-Construction Stormwater Management (PCSM) plan prior to the commencement of earth disturbance activities. The copies bearing the approval stamps shall be maintained onsite through the duration of the construction project.
2. During the construction project proposed in the Cleveland Cliffs Bridgeville Site Remedial Plan, Cleveland Cliffs shall meet the effluent limitations as indicated in Part A of the NPDES permit.
3. If modifications to the construction plan are made in the future, a copy of the final approval-stamped E&S Control Plan shall be submitted to the Clean Water Program. The amended or future E&S plans must be followed during all phases of construction work. Cleveland Cliffs shall ensure any required permits or amendments with the Department or the Allegheny County Conservation District have been secured prior to the commencement of earth disturbance.

G. Additional Requirements for Earth Disturbance Activities

1. Erosion and Sediment Control Plans

A. Unless otherwise authorized by DEP or CCD, earth disturbance activities shall, to the extent practicable, be planned and implemented to:

1. Minimize the extent and duration of earth disturbance.
2. Maximize protection of existing drainage features and vegetation.
3. Minimize soil compaction.
4. Utilize other measures or controls that prevent or minimize the generation of increased stormwater runoff.

B. An E&S Plan shall be prepared and implemented in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in E&S control methods and techniques applicable to the size and scope of the project being designed. Each E&S Plan must be submitted to and approved by DEP or CCD. The BMPs shall be designed to minimize the potential for accelerated erosion and sedimentation in order to protect, maintain, reclaim, and restore water quality and the existing and designated uses of the waters of this Commonwealth. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (DEP ID No. 363-2134-008), as amended and updated. Approved E&S Plans and BMPs, and approved revisions thereto, which meet the requirements of 25 Pa. Code Chapters 93, 96 (relating to water quality standards implementation), and 102, are conditions of this Permit and are incorporated by reference.

C. E&S Plans required under this NPDES Permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law (35 P.S. § 691.607) and 25 Pa. Code Chapter 92a. The owner or operator of a facility with stormwater discharges covered by this NPDES Permit shall make E&S Plans available to the public upon request. The permittee shall maintain the approved E&S Plan on-site during earth disturbance activities at all times and shall make the plan available for inspection by DEP or CCD upon request.

D. The approved E&S Plan, including the staging of earth disturbance activities and maintenance requirements, must be followed.

E. Upon the installation of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities, the permittee or co-permittee shall provide notification to DEP or CCD by phone or electronic mail.

2. Recycling and Disposal of Building Materials and Wastes

All building materials and wastes must be removed from the site and recycled or disposed of in accordance with DEP's Solid Waste Management Regulations at 25 Pa. Code Chapter 260a (relating to hazardous waste management system: general), Chapter 271 (related to municipal waste management – general provisions), and Chapter 287 (relating to residual waste management – general provisions). No building material or wastes or unused building materials shall be burned, buried, dumped, or discharged at the site.

3. Preparedness, Prevention, and Contingency Plans

If toxic, hazardous, or other polluting materials will be on site, the permittee must develop a PPC Plan for use while those materials are on-site in accordance with 25 Pa. Code §§ 91.34 (relating to activities utilizing pollutants) and 102.5(l). The PPC Plan shall identify areas which may include, but are not limited to, waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause non-compliance with the terms and conditions of this NPDES Permit due to the storage, handling, or disposal of any toxic or hazardous substances - 18 - 3800-PM-BCW0405d Rev. 12/2019 PAG-02 Permit such as oil, gasoline, pesticides, herbicides, solvents, or concrete washwaters. BMPs shall be developed and implemented for each identified area. The PPC Plan shall be maintained on-site at all times and shall be made available for review at the request of DEP or CCD.

4. Post-Construction Stormwater Management Plans

A. The management of post-construction stormwater shall, to the extent practicable, be planned and conducted to:

1. Preserve the integrity of stream channels and maintain and protect the physical, biological, and chemical qualities of the receiving stream.
2. Prevent an increase in the rate of stormwater runoff.
3. Minimize any increase in stormwater runoff volume.
4. Minimize impervious areas.
5. Maximize the protection of existing drainage features and existing vegetation.
6. Minimize land clearing and grading.
7. Minimize soil compaction.
8. Utilize other structural or nonstructural BMPs that prevent or minimize changes in stormwater runoff.

B. A PCSM Plan shall be prepared and implemented in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in PCSM design methods and in techniques applicable to the size and scope of the project being designed. The management of post-construction stormwater shall be planned and conducted in accordance with 25 Pa. Code § 102.8 (relating to PCSM requirements). Various BMPs and their design standards are detailed in the Pennsylvania Stormwater Best Management Practices Manual (DEP ID No. 363-0300-002), as amended and updated. Each PCSM Plan must be submitted to and approved by DEP or CCD. The PCSM Plan must employ stormwater management BMPs to control the volume, rate, and water quality of the post-construction stormwater runoff so as to protect and maintain the chemical, physical, and biological integrity, and the existing and designated uses of the waters of this Commonwealth. Approved PCSM Plans and BMPs, and approved revisions thereto, which meet the requirements of 25 Pa. Code Chapters 93, 96, and 102, are conditions of this Permit and are incorporated by reference.

C. PCSM Plans required under this Permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law (35 P.S. § 691.607) and 25 Pa. Code Chapter 92a. The owner or operator of a facility with stormwater discharges covered by this Permit shall make PCSM Plans available to the public upon request. The permittee shall maintain the authorized PCSM Plan on-site during earth disturbance activities at all times and shall make the plan available for inspection by DEP or CCD upon request.

D. A licensed professional or their designee shall be present on-site and shall be responsible for oversight of critical stages of implementation of the approved PCSM Plan. The licensed professional will be responsible to provide a final certification, pursuant to 25 Pa. Code § 102.8(l) and record drawings, indicating that the project site was constructed in accordance with the approved or modified PCSM Plan.

E. The portion of a site reclamation or restoration plan that identifies PCSM BMPs to manage stormwater from pipelines or other similar utility infrastructure may be used to satisfy the PCSM requirements if the PCSM reclamation or restoration plan meets the requirements of 25 Pa. Code §§ 102.8(b), (c), (e), (f), (h), (i), (l), and when applicable, (m).

5. Pre-Construction Meeting

For earth disturbance activities authorized by this NPDES Permit, a pre-construction meeting is required, unless the permittee has been notified otherwise in writing by DEP or CCD. The permittee shall invite DEP and CCD to attend the pre-construction meeting and provide at least seven (7) days' notice of the pre-construction meeting to all invited attendees. Permittees, co-permittees, operators, and licensed professionals, or designees responsible for earth disturbance activity, including implementation of E&S, PCSM and PPC Plans and critical stages of implementation of the approved PCSM Plan, shall attend the pre-construction meeting.

6. Spoil or Borrow Areas

A. An E&S Plan or other authorization meeting the regulatory requirements detailed in 25 Pa. Code § 102.4(b) shall be reviewed and approved by DEP or CCD and implemented for all spoil and borrow areas, regardless of their location.

B. Clean Fill Requirements – Any person placing clean fill that has been affected by a spill or release of a regulated substance must use DEP Form FP-001 (Certification of Clean Fill) to certify the origin of the fill material and the results of the analytical testing to qualify the materials as clean fill. The form must be retained by the owner of the property receiving the fill. Fill material not qualifying as clean fill is regulated fill and must be managed in accordance with DEP's municipal or residual waste regulations based on 25 Pa. Code Chapters 271 or 287, whichever is applicable.

7. Phased Projects

Prior to the commencement of earth disturbance activities for subsequent phases of the project, the permittee shall submit an E&S Plan and PCSM Plan and supporting information for each additional phase or portion of the project to DEP or CCD for approval. Coverage under this NPDES Permit is only granted for those phases or portions of a project for which an E&S Plan and PCSM Plan has been submitted and approved by DEP or CCD.

8. Wetland Protection

If hydric soils or other wetland features are present, a wetland determination must be conducted in accordance with applicable DEP procedures. A copy of any wetland determination conducted on the project site shall be provided to DEP or CCD. All wetlands identified must be included on the E&S Plan and PCSM Plan. Special precautions must be taken to protect wetlands and other water resources identified in the plans and other supporting documents.

9. Infiltration BMPs

The permittee and co-permittee(s) shall ensure that soil compaction is avoided or minimized in any areas where infiltration BMPs will be utilized. If the areas planned for infiltration BMPs are compromised through compaction or other means, additional soil testing must be performed to verify that the infiltration BMPs will perform as planned.

10. Stabilization

Upon final completion of an earth disturbance activity or any stage or phase of an activity; or temporary cessation of the earth disturbance activity, or any stage or phase of an activity where the cessation of earth disturbance will exceed four (4) days, the project site shall be immediately stabilized in accordance with the requirements of 25 Pa. Code §102.22(a) or (b) (relating to site stabilization), as applicable. E&S BMPs shall be implemented and maintained until permanent stabilization is completed. Once permanent stabilization has been established the temporary E&S BMPs shall be removed. Any areas disturbed in the act of removing temporary E&S BMPs shall be permanently stabilized upon completion of the temporary E&S BMP removal activity.

11. Sewage Facilities

Earth disturbance may not commence until all applicable Act 537 Sewage Facilities Planning approvals have been obtained.

12. Long-Term Operation and Maintenance of PCSM BMPs

A. The permittee shall be responsible for long-term O&M of PCSM BMPs.

B. For any property containing a PCSM BMP, the permittee shall record an instrument with the Recorder of Deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property within 45 days of approval of coverage under this NPDES Permit, unless extended in writing by DEP or CCD. The recorded instrument must identify the PCSM BMPs, provide for necessary access related to long-term O&M for PCSM BMPs, and provide notice that the responsibility for long-term O&M of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. The permittee shall provide DEP or CCD proof of filing of the instrument recording with a Transfer Application, if applicable.

C. For Commonwealth-owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM BMP occurs. Upon transfer of the Commonwealth-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m). An agency of the federal government shall not be required to make or record a declaration of covenants on its property until transfer of the property to a non-federal or non-Commonwealth entity or individual. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m).

D. The person responsible for performing long-term O&M may enter into a written agreement with another person, including a conservation district, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM BMPs or to perform long-term O&M and provide notice thereof to DEP.

E. A permittee that fails to transfer long-term O&M of the PCSM BMPs or otherwise fails to comply with this requirement, shall remain jointly and severally responsible with the landowner for long-term O&M of the PCSM BMPs located on the property.

F. Unless an alternative process is approved by DEP in writing, upon the sale or other transfer of any parcel, lot, road or other real property included within the permit boundary, the permittee shall notify the purchaser, grantee, or transferee of the long-term PCSM BMP O&M requirements. The permittee shall expressly identify the PCSM BMPs on each property, the schedule for inspection and reporting,

the person or entity responsible for long term O&M of the PCSM BMPs and how access to the BMPs will be achieved and shall obtain approval from the purchaser, grantee or transferee. Unless a later date is approved by DEP in writing, the permittee shall provide DEP and CCD with notice of compliance with this section within 45 days from the date of transfer of the property and at the time the permittee files an NOT.

13. Voluntary Riparian Forest Buffers

Persons that protect, convert, or establish a new riparian forest buffer that meets the requirements of 25 Pa. Code § 102.14(b) (relating to riparian buffer criteria) may qualify for benefits under 25 Pa. Code §§ 102.14(e)(1) (relating to antidegradation presumption) and (2) (relating to trading or offsetting credits).

14. Implementation of Requirements Related to Earth Disturbance Activities

A. Prior to commencement of construction activities or commencement of work on the project site, the permittee shall ensure that the following personnel understand the requirements of, and their specific responsibilities under, this NPDES Permit:

- Personnel responsible for the installation, maintenance, and/or repair of E&S and PCSM BMPs and implementation of the PPC Plan.
- Personnel responsible for the application and storage of treatment chemicals (if applicable).
- Personnel responsible for conducting inspections.
- Personnel responsible for taking corrective actions.

B. The permittee is responsible for ensuring that all activities on the project site comply with the requirements of this NPDES Permit. The permittee is not required to provide or document formal training for subcontractors or other outside service providers, but the permittee must ensure that personnel understand any requirements of this NPDES Permit that are relevant to the work they are subcontracted to perform.

C. At a minimum, the permittee must ensure that personnel understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections).

- The NPDES Permit deadlines associated with installation, maintenance, and removal of stormwater controls, and with site stabilization.
- The location of all stormwater controls on the project site required by this NPDES Permit and how they are to be maintained.
- The proper procedures to follow with respect to the NPDES Permit's pollution prevention requirements.
- When and how to conduct inspections, record applicable findings, and take corrective actions.

D. A training log must be kept on-site and made available upon request from EPA, DEP, or CCD staff.

E. All personnel must have access at all times during earth disturbance activities to an electronic or paper copy of this NPDES Permit, the approved copies of the E&S, PCSM and PPC Plans, and other relevant documents or information that must be kept with these plans.

15. Threatened and Endangered Species Protection

A. If applicable, the permittee shall comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect State or Federal threatened and endangered species.

B. If any potential impact to federal or state threatened or endangered species is identified on the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee shall implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to resolve potential species impacts and ensure compliance with applicable federal and State laws pertaining to the protection of Federal or State threatened and endangered species.

C. When conducting earth disturbance activities, the permittee has a continuing obligation to ensure compliance with applicable state and federal laws pertaining to the protection of Federal or State threatened and endangered species.

II. WQBELs BELOW QUANTITATION LIMITS

A. The parameter(s) listed below are subject to water quality-based effluent limits (WQBELs) in Part A of this permit that are necessary to comply with state water quality standards, but may be less than quantitation limits (QLs), as defined in 25 Pa. Code § 252.1, that are generally achievable by conventional analytical technology. The permittee shall analyze the parameter(s) using methods that will achieve the QL(s) as listed below. For the purpose of compliance, a statistical value reported on the DMR that is less than the QL(s) (i.e., “non-detect”) will be considered to be in compliance.

<u>Parameter Name</u>	<u>Quantitation Limit</u>
PCB-1248	0.25 µg/L

B. The permittee shall, where determined to be feasible by the permittee, achieve a QL less than the QL identified above to improve the level of confidence that state water quality standards are being met in the receiving waters.

C. The permittee shall manage non-detect values and report statistical results to DEP in accordance with published DMR guidance (3800-BK-DEP3047). Where a mixed data set exists containing non-detect results and “detected” values (i.e., results greater than or equal to the QL), the QL shall be used for non-detect results to compute average statistical results.